

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF MISSOURI  
3  
4 MALEEHA AHMAD, )  
5 Plaintiff, )  
6 vs. ) Civil Action No.  
7 CITY OF ST. LOUIS, ) 4:17-cv-2455 CDP  
8 Defendant. )  
9  
10  
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12  
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14  
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16 DEPOSITION OF JOSHUA BECHERER  
17 TAKEN ON BEHALF OF THE PLAINTIFF  
18 FEBRUARY 28, 2019  
19  
20  
21  
22  
23  
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25

Exhibit W

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8 Defendant. )  
9  
10

11 DEPOSITION OF WITNESS, JOSHUA  
12 BECHERER, produced, sworn and examined on the 28th  
13 day of February, 2019, between the hours of eight  
14 o'clock in the forenoon and six o'clock in the  
15 afternoon of that day, at the City of St. Louis Law  
16 Department, Room 314, City Hall, St. Louis,  
17 Missouri, before Tara Schwake, a Registered  
18 Professional Reporter, Certified Realtime Reporter,  
19 Certified Shorthand Reporter (IL), Certified Court  
20 Reporter (MO), and Notary Public within and for the  
21 State of Missouri.  
22  
23  
24  
25

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1 APPEARANCES

2 FOR THE PLAINTIFF:

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1 IT IS HEREBY STIPULATED AND AGREED by  
2 and between Counsel for Plaintiff and Counsel for  
3 Defendant that this deposition may be taken by Tara  
4 Schwake, Notary Public and Certified Realtime  
5 Reporter, thereafter transcribed into typewriting,  
6 with the signature of the witness being expressly  
7 waived.

8 JOSHUA BECHERER,  
9 of lawful age, having been produced, sworn, and  
10 examined on the part of Plaintiff, testified as  
11 follows:

12 \* \* \* \* \*

13 (Deposition commenced at 9:36 a.m.)

14 EXAMINATION

15 QUESTIONS BY MS. STEFFAN:

16 Q Good morning, sir. I have introduced  
17 myself earlier, but my name is Jessie Steffan and  
18 I'm one of the plaintiff's attorneys in the case of  
19 Ahmad versus the City of St. Louis which is the  
20 case you're being deposed for today.

21 A Okay.

22 Q If you could please give your full  
23 name for the record?

24 A Joshua Daniel Becherer.

25 Q B-e-c-h-e-r-e-r?

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1 A Yes, ma'am.

2 Q You have testified in court before?

3 A Yes, ma'am, I have.

4 Q And have you been deposed before?

5 A Yes, ma'am.

6 Q When is the last time you were  
7 deposed?

8 A I don't know exactly. More than a  
9 year.

10 Q Okay. Then I'm going to go over just  
11 a few quick ground rules so that we share an  
12 understanding of how the deposition will go.

13 A Okay.

14 Q I'd ask you to try to respond  
15 verbally rather than shaking your head or saying  
16 "mm-hmm" or "unh-uh" so that the court reporter can  
17 take a record.

18 A Yes, ma'am.

19 Q If you don't understand a question  
20 that I'm asking, please say so. If you go ahead  
21 and answer, I will presume that you understood what  
22 I asked.

23 A Okay.

24 Q We can take a break at any time  
25 unless there is a question hanging out in the air

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1 that needs to be answered. In that situation, I'd  
2 ask that you answer the question and then we can go  
3 on break.

4 A Okay.

5 Q I'm going to try not to talk over you  
6 while you're responding; if you would please try  
7 not to talk over me while I'm asking questions.

8 A Okay.

9 Q Have you taken any medication or  
10 drugs that could affect your ability to testify  
11 truthfully today?

12 A No, ma'am.

13 Q And do you have any health conditions  
14 that affect your ability to remember or testify  
15 truthfully?

16 A No, ma'am.

17 Q You are a former SWAT officer for the  
18 St. Louis Metropolitan Police Department; is that  
19 correct?

20 A Yes.

21 Q Your DSM was 7667?

22 A Yes, ma'am.

23 Q Did you have a call sign?

24 A I did, it was 7120.

25 Q You started working at the police

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1        **department in August of 2007; is that right?**

2            A        Yes, ma'am.

3            Q        **When did you join the SWAT?**

4            A        In 2011, in either May or June.

5            Q        **Before that you were a detective?**

6            A        Yes, ma'am.

7            Q        **That's otherwise known as**  
8        **intelligence?**

9            A        I was in the special operations unit.  
10       The intelligence unit is a separate unit.

11           Q        **Got it. What did you do in the**  
12       **special operations unit, just very briefly?**

13           A        I was a narcotics detective.

14           Q        **You have since left the police**  
15       **department; is that right?**

16           A        Yes, ma'am, I have.

17           Q        **Were you terminated?**

18           A        I was not.

19           Q        **Did you quit?**

20           A        Yes.

21           Q        **When was your last day?**

22           A        February -- I think it was officially  
23       February 28th of last year.

24           Q        **2018?**

25           A        Yes.



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1 Q Why did you quit?

2 A Personal reasons.

3 Q Related to your employment or not  
4 related to your employment?

5 A Both.

6 Q What were the reasons related to your  
7 employment?

8 A I guess I don't understand your  
9 question.

10 Q There was something about your  
11 employment that prompted you to quit; is that  
12 right?

13 A No. No, there wasn't actually  
14 anything negative about my employment that prompted  
15 me to quit.

16 Q Okay. So you quit for reasons  
17 unrelated to the conditions of your work; is that  
18 right?

19 A That's correct, yes.

20 Q Okay. Other than speaking with  
21 counsel for the city which I'm not going to ask you  
22 about, did you do anything to prepare for today's  
23 deposition?

24 A I did not.

25 Q Have you ever been sued?

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1 A As a policeman, yes.

2 Q When have you been sued as a police  
3 officer?

4 A I was sued as a part of the lawsuits  
5 from the original Ferguson protests.

6 Q Other than that occasion, have you  
7 been sued in your capacity as police officer?

8 A Not that I recall, no.

9 Q When you are talking about the  
10 lawsuits from the Ferguson protests, are you  
11 referring to the case, Devereux?

12 A I don't know what the actual case was  
13 in particular. I mean, I never had to -- I just  
14 got told I was a part of that; I never did any  
15 depositions or anything at all for it ever other  
16 than being informed that I was a part of that  
17 lawsuit. So I don't know what the actual name on  
18 it was.

19 Q Got you. Do you know what the  
20 allegations were about?

21 A That I -- I believe the allegations  
22 were that we fired on reporters I think is what it  
23 was. With, you know, like gas and stuff like that,  
24 not with actual firearm weapons.

25 Q Do you know what the result was of

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1     **that lawsuit?**

2             A       I do not, no.

3             Q       Do you know whether there was an  
4     **investigation into your actions at that protest?**

5             A       I do not know if there was or not.  
6     If there was, I have never been informed of it.

7             Q       You don't know if Internal Affairs  
8     **investigated what you did at that protest?**

9             A       I do not.

10            Q       And you don't know whether the force  
11    **investigative unit investigated what you did at**  
12    **that protest?**

13            A       They didn't exist then, so I don't  
14    think they would have later down the road.

15            Q       Did anyone within the police  
16    **department interview you after the fact to ask you**  
17    **questions about what you did at that protest?**

18            A       No, ma'am.

19            Q       Were you ever disciplined for what  
20    **you did at that protest?**

21            A       No, ma'am.

22            Q       Have you ever been disciplined for  
23    **using force at a protest?**

24            A       No, ma'am.

25            Q       Just estimated, could you estimate

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1     **how many protests you worked as either a detective**  
2     **or as a SWAT officer during your tenure at the**  
3     **police department?**

4             A       You mean like as far as separate --  
5     do you mean like days spent at protests or source  
6     -- actual separate protest events themselves?

7             Q       **Yeah, it's a hard question to answer.**

8             A       A lot. I've worked every single  
9     protest that there has been since the original  
10    Ferguson up until when I left in February, so I  
11    mean, I -- that's a lot. At least ten.

12            Q       **Okay. So between -- when you say**  
13    **"the original" protest, you're talking about after**  
14    **Mike Brown was killed?**

15            A       Yes, ma'am.

16            Q       **So that's 2014 to 2018?**

17            A       Yes, ma'am.

18            Q       **You worked a lot of protests?**

19            A       Every single one of them that's been  
20    in the city, yes.

21            Q       **And you were a SWAT officer that**  
22    **whole time?**

23            A       Yes, ma'am, I was.

24            Q       **You had to do some training to become**  
25    **a member of SWAT; is that right?**

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1 A Yes, ma'am.

2 Q Did you have any training on protests  
3 or civil disobedience?

4 A We did -- we took part in the -- all  
5 the CDT training even though we're not members of  
6 the CDT team, but we take part in that training so  
7 that would be the only actual protest training I  
8 have had.

9 Q Is that training primarily about  
10 formations?

11 A That's correct, yes.

12 Q Did you do that training one time or  
13 more than one time?

14 A Multiple.

15 Q Was the training substantially  
16 similar each time or did things change about it?

17 A For the most part, at my level, it  
18 was all the same.

19 Q And when you say at your "level," you  
20 mean as a police officer?

21 A Correct. You know, I -- I am aware  
22 that, you know, commanders and all that do separate  
23 training for all this but I have never been a part  
24 of that. So just at my ground level being a  
25 policeman, it was always all the same kind of

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1 stuff.

2 Q And just so I'm clear, you went to  
3 the police academy; is that right?

4 A Yes, ma'am, I did.

5 Q And you started your employment with  
6 the St. Louis Metropolitan Police Department as a  
7 probationary officer, as everyone does; right?

8 A Yes, ma'am.

9 Q And then you became a police officer?

10 A Yes, ma'am.

11 Q And you stayed a police officer  
12 during your tenure?

13 A Correct.

14 Q You said that you've worked many  
15 protests, perhaps every single protest since 2014  
16 until February of 2018?

17 A Correct.

18 Q Did somebody tell you to go to those  
19 protests and work at those protests?

20 A Well, I mean, SWAT was always  
21 directed to work those protests, so yes, we were  
22 directed to be there.

23 Q And what was the mission of SWAT at  
24 protests? What were you trying to do?

25 A In the beginning -- so when I say

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1 beginning, I mean during the original Ferguson  
2 after the Mike Brown event, our purpose -- we were  
3 essentially what I would call the main effort  
4 because at that time they didn't have CDT teams out  
5 there and there really was no kind of -- at least  
6 that I was aware of, there was really no precedent  
7 of how to handle those types of situations. So the  
8 SWAT teams were out there to deploy gas and -- and  
9 do a CDT role, make arrests, disperse crowds, all  
10 of those things.

11 And then as it changed over the  
12 years, as they, you know -- I don't know who set  
13 forth these guidelines but as more guidelines got  
14 set forth as to how you needed to respond to  
15 protests, SWAT took a lot more of a back seat role.  
16 So the past few years we have been just on scene in  
17 case they needed either an officer rescue like if a  
18 CDT officer got pulled into the crowd or something.  
19 We were the contingency rescue team for that or if  
20 one of the commanders wanted chemical munitions to  
21 be deployed, then we were on scene to do that.

22 But aside from those two roles, the  
23 past few years we've just more or less stood around  
24 behind the CDT team and waited to be used for  
25 something.

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1 Q And how big is SWAT?

2 A When I was there it was 18 to 20  
3 officers, three sergeants, and one lieutenant. We  
4 were never at full staff so that's why I say 18 to  
5 20.

6 Q 20 would be full staff?

7 A 20 would be full staff, yes, ma'am.  
8 I'm pretty sure the number, including myself, was  
9 18 officers at the time.

10 Q And one of your sergeants would have  
11 been an administrative sergeant?

12 A That's correct.

13 Q I think you just used the term  
14 "chemical munitions," what does that mean?

15 A Chemical munitions is any type of --  
16 any type of projectile that the team uses that  
17 emits, you know, either a smoke or a gas that is  
18 uncomfortable to the skin and eyes and lungs and  
19 all that stuff. So that's what I consider a  
20 chemical -- chemical munitions. We're also  
21 responsible for impact munitions which are your  
22 bean bag rounds and rubber bullets and things like  
23 that. And then, I guess, just your typical mace  
24 would also be, at least in my opinion, would be  
25 considered a chemical munition as well.



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1           **Q       As a member of SWAT what training did**  
2   **you have on the use of chemical munitions?**

3           A       The training I had was how to operate  
4   all of the launching systems which are the gas guns  
5   that fire the munitions, and then trained in the  
6   difference between the different types of munitions  
7   that are out there because there's a whole array of  
8   different types of chemical munitions and what you  
9   would actually -- the difference between what you  
10   would use them for and what types of situations.  
11   And then I was trained in, you know, the legal  
12   aspects of using them. I would say that's probably  
13   about it.

14           **Q       I think you just said, and correct me**  
15   **if I'm wrong, that you received some training in**  
16   **the types of situations you would use different**  
17   **munitions in; is that right?**

18           A       Correct. Yes, ma'am.

19           **Q       Can you describe more about what you**  
20   **mean by that?**

21           A       There's certain gases and chemicals  
22   that are made for like inside of structures. So if  
23   we were to have like a barricaded gunman or  
24   something, we would use a different type of  
25   chemical munition than what we would use at a

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1 protest, which is an open air environment and  
2 you're not trying to get that chemical munition  
3 through like a glass window or something like that.  
4 The launching systems are all the same for those  
5 munitions but there's -- I mean, I don't even know  
6 how many different types of chemical munitions  
7 there are. There's so many you could talk about  
8 them all day.

9 Q Do you have a general sense of how  
10 many different types of chemical munitions the  
11 police department has? I mean, is it a dozen or  
12 less or a dozen or more?

13 A I would say a dozen or more, yes. I  
14 don't even know if the department has chemical  
15 munitions outside of the SWAT Team's chemical  
16 munitions. I mean, I don't know if the armory or  
17 anyone else even deals with stuff like that, but  
18 for the team we had at least a dozen different  
19 types.

20 Q And I think you said that you got  
21 training in the different kind of launching  
22 mechanisms, the different gas guns that you would  
23 use to launch the projectiles; is that right?

24 A Yes, ma'am.

25 Q How many of those launching

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1 mechanisms did the SWAT Team have?

2 A There's two separate ones.

3 Q I think that you said that you were  
4 trained in the legal aspects of using chemical  
5 munitions; is that right?

6 A Yes, ma'am.

7 Q What do you mean by that?

8 A What I mean -- it's been a few years  
9 since actually took the training, but what I  
10 remember from it is, you know, there's only -- like  
11 when you're firing some of these munitions, there's  
12 certain ways they have to be fired in order to not  
13 injure people and obviously, if you fired them  
14 incorrectly and injured individuals, then you would  
15 find yourself, you know -- if you did it  
16 intentionally, then you would find yourself liable  
17 for whatever type of damages come along with that.  
18 I remember that part being a period of the  
19 instruction.

20 That's about all I remember from it,  
21 but I know there was a legal part of the classroom  
22 instruction.

23 Q Is that an instruction put on by CTS?

24 A Yes, it is. Now, that's not what I  
25 attended. I attended one that was put on by our

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1 CTS guys. There's -- so the SWAT Team has guys --  
2 a couple guys that are -- their main duty on the  
3 team is to be the gas guys. They will go to the  
4 actual CTS course, which is a train-the-trainer  
5 course, and then they come back to us and they  
6 train us.

7 So I didn't go to an actual CTS class  
8 myself; I was trained by the guys that did.

9 **Q How many times have you deployed**  
10 **chemical munitions at a protest? You, personally.**

11 A I don't think I have ever deployed  
12 any chemical munitions at a protest. I was always  
13 a less-than-lethal guy, which means I carried one  
14 of the orange shotguns that I'm sure you've seen in  
15 photographs, and I was responsible for deploying  
16 the impact munitions like the sock rounds and the  
17 rubber bullets.

18 **Q What is a sock round?**

19 A A sock round, it's called that  
20 because it looks like a little kid's sock,  
21 basically. It's contained in what looks like a  
22 shotgun shell and, when that shotgun shell is  
23 fired, this sock filled with lead powder comes out  
24 and, you know, it hurts; it's meant to bruise you  
25 and knock you down. But it's made of that -- like

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1 that powder contained in the sock, that way it  
2 won't actually enter your body and kill you or  
3 anything like that.

4 Q And sock rounds and rubber bullets  
5 are less-than-lethal weapons; is that right?

6 A Yes, ma'am, they are.

7 Q How many times have you deployed  
8 less-than-lethal weapons at a protest?

9 A Many. I don't even know a number. I  
10 mean, during -- the majority of that was during the  
11 original Ferguson and -- many, many times. During  
12 the Stockley, none at all. So maybe -- the  
13 original Ferguson may have been the only time I  
14 did, but there was -- it was many times then.

15 Q And just so I'm clear, when you say  
16 "the original Ferguson," are you talking about  
17 protests that took place inside Ferguson the city?

18 A Yes, ma'am. I say original Ferguson  
19 because then a year later on the anniversary I know  
20 they protested again and we staged for all of that,  
21 but we were not a part of that, so.

22 Q So for example, the protest that was  
23 in South Grand after Darren Wilson was not  
24 indicted --

25 A Yes, ma'am.

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1           Q       -- you did work at that protest, but  
2       you did not deploy any less-than-lethal --

3           A       Not that I remember. I may have. I  
4       would have to refresh myself with the after-action  
5       reports which I don't have access to those anymore.  
6       I can't say for certain I did or I didn't. I don't  
7       have any fresh memory of doing so like I do with  
8       Ferguson and all that.

9           Q       But I think you said you do remember  
10       that you did not deploy any less-than-lethal  
11       munitions at the Stockley protest; is that right?

12          A       That's correct. The guidelines for  
13       deploying any type of munition had changed between  
14       Ferguson and South Grand to Stockley, and I didn't  
15       -- I didn't deploy anything during Stockley.

16          Q       Are you saying there were two  
17       changes, or just one change, between Ferguson and  
18       South Grand?

19          A       There was just one change it seemed  
20       like. So during Stockley, munitions of any type  
21       could only be fired at the discretion of a  
22       commander; whereas, during, let's say, the original  
23       uprising in Ferguson itself, that was at the  
24       officer's discretion dependent upon what you saw.  
25       Because you were essentially given permission to

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1 use those munitions once you went out to work and  
2 then you used them at your discretion; whereas,  
3 now, during Stockley, everything is at the command  
4 of a commander.

5 You would find yourself in a lot of  
6 hot water if you were out there just firing stuff  
7 at your own discretion nowadays.

8 **Q Do you recall how that changed and**  
9 **the guideline was communicated to you?**

10 A I mean, it was -- it was told  
11 directly to us, if that's what you mean. I don't  
12 know if they changed like actual policies or  
13 anything like that, that I am unaware of, but we  
14 were -- we were directly told by our commander, the  
15 change, you know, the entire team was.

16 **Q In a verbal conversation?**

17 A Yes, ma'am.

18 **Q Who was your commander?**

19 A Tim Sachs.

20 **Q When did that change happen, do you**  
21 **recall?**

22 A Well, it may have actually -- it may  
23 have -- I mean, I distinctly remember conversations  
24 with him saying -- saying that, but I think that --  
25 I think that probably changed even before he was

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1 the commander, when Lieutenant Steven Dodge was the  
2 commander. I think he was the original one who  
3 spoke to us and told us, hey, here's an out; this  
4 now is how chemical munitions and impact munitions  
5 will be used.

6 But Tim Sachs was -- he was much more  
7 authoritative than Lieutenant Dodge. So I  
8 distinctly remember conversations with him that we  
9 would only fire at his command.

10 Q Is it your understanding that that  
11 change applied to using mace as well?

12 A That was my understanding.

13 Q So just so I'm clear, your  
14 understanding was that you were also only told to  
15 fire mace at the discretion of a commander once  
16 that policy changed; is that what you're saying?

17 A That was my understanding of it. I  
18 mean, if that's wrong, I don't know, but I didn't  
19 even carry mace, most of the SWAT guys didn't, that  
20 was more of a CDT thing. So I could be wrong about  
21 that, but that was my -- basically my understanding  
22 was you don't fire a single thing in any kind of  
23 capacity without a commander's discretion. I  
24 didn't actually read that anywhere but that was my  
25 perception of it.



1 I'm sorry, would you mind handing me  
2 one of those glasses? I'm sorry to interrupt you.  
3 Thank you very much.

4 **Q When you participated in CDT**  
5 **training, did that include any training on when to**  
6 **use mace?**

7 A Not that I recall, no. Most of that  
8 training was all focused on formations and how to  
9 move in those formations and what the different  
10 commands were for those formations.

11 **Q Did you do an I/LEADS report for your**  
12 **use of the less-lethal munitions at the original**  
13 **Ferguson protest?**

14 A I did not, no. Not that I recall.

15 **Q Do you know whether you were supposed**  
16 **to or not?**

17 A I don't think I was, no. The only  
18 I/LEADS report that I -- that I can remember  
19 writing was when one of the nights we got shot at  
20 and some the rounds impacted the BEAR, which is the  
21 big armored car, and I wrote that report. That's  
22 the only report I remember being written, period,  
23 about any of those things.

24 **Q And how about SWAT after-action**  
25 **reports? Did you write anything like that?**

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1           A       No, those were, to my knowledge,  
2       generally written by the commanders.

3           Q       Do you recall whether you have ever  
4       been either required or invited to submit a  
5       critique -- an after-action critique following a  
6       protest or a civil disobedience event?

7           A       No, I never have been.

8           Q       I'm going to ask you about a few  
9       specific protests. I'm going to go, I think, in  
10      reverse chronological order. I think that would  
11      probably be the easiest. I'm going to start with  
12      the Stockley protests and ask you some questions  
13      about that.

14          A       Okay.

15          Q       You recall the -- well, if I say  
16      September 15, 2017, can we agree that was the day  
17      that the verdict was released?

18          A       Yes, ma'am.

19          Q       And you worked that day?

20          A       Yes, ma'am, I did.

21          Q       When did you start work,  
22      approximately?

23          A       Morning time, maybe around 8:00 or  
24      9:00.

25          Q       Did you know that the verdict was

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1     **going to come out that day?**

2             A       I did not. We had speculated that it  
3     would have come out before that. And I was on my  
4     way to work when it did come out.

5             **Q       You were regularly scheduled anyway?**

6             A       Yeah. We -- between 8:00 and 9:00 is  
7     normally when we came in every day, so that was a  
8     -- just a regularly scheduled day and then by the  
9     time I got to headquarters from home, the -- you  
10    know, it was all over the news and this and that.  
11    Because I guess we had anticipated having like, you  
12    know, information that it was going to come out, so  
13    we were prepared but we didn't have that, at least  
14    not at our level. If they had it above me, I don't  
15    know.

16            **Q       Was there an operations plan for that**  
17    **event?**

18            A       I'm sure there was. There normally  
19    is.

20            **Q       Is that something that you would have**  
21    **seen? Or is that a command thing?**

22            A       If -- no, that would have --  
23    everybody would have seen that.

24            **Q       How is that disseminated to everyone?**

25            A       Generally through email. If it's not

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1 disseminated through email, then there's hard  
2 copies given to you from your chain of command.

3 Q Concentrating on what SWAT did, how  
4 did SWAT prepare for the protests that -- I assume  
5 you anticipated that there could be a protest; is  
6 that right?

7 A Yes, ma'am.

8 Q How did SWAT prepare for that?

9 A Well, for myself, I was assigned to  
10 one of the four sniper teams, so in preparation for  
11 that, I knew that I was going to be acting in a --  
12 I mean, I'm just going to continue to call it a  
13 sniper team and a sniper OP, but what we actually  
14 do is we're observing the crowd through like our  
15 spotting scopes and through binoculars and  
16 providing real-time intelligence to our command and  
17 to the intelligence division and so on and so  
18 forth.

19 So I knew I was going to be out  
20 serving in that capacity if there was any protest,  
21 so I had scouted out where our OPs were going to  
22 be, where we anticipated -- at that time where we  
23 anticipated the protesting to be taking place so we  
24 had preplanned observation posts already  
25 designated. So me, personally, that was my

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1 preparation that I did.

2 Q Are you familiar with what a  
3 documentation team is?

4 A Yes, ma'am, I am.

5 Q Does SWAT have a documentation team?

6 A No.

7 Q That's a separate unit; is that  
8 right?

9 A It's a -- at a separate duty given to  
10 officers. I don't know how they select those  
11 people to do that but those can be, you know --  
12 sometimes I've seen it be intelligence detectives;  
13 sometimes I've seen it be just normal uniformed  
14 police officers that are assigned that duty.

15 Q It is something that a person does in  
16 addition to their normal duties?

17 A Correct. So they would -- to my  
18 understanding, they would document what SWAT was  
19 doing, but no, we did not have our own  
20 documentation team.

21 Q During the Stockley protests your  
22 commander was Lieutenant Sachs; is that right?

23 A That's correct.

24 Q You said that you got to work or --  
25 morning time, around 8:00 or 9:00; is that right?

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1 A Yes, ma'am.

2 Q What did you do first?

3 A When I first got to headquarters, it  
4 was on the news when I came in so we watched it  
5 because even though we had, you know, preplanned  
6 what we were going to do as far as the sniper OPs,  
7 we were told not to go anywhere yet. So we stayed  
8 at headquarters for quite a while before we were  
9 actually deployed to those OPs, and then once we  
10 were given the go-ahead to go get set up, then me  
11 and the -- I had three other guys with me. Then we  
12 were -- we went out and set up.

13 Q And when you say that you were given  
14 the go-ahead to do that, is that something that  
15 came from Lieutenant Sachs?

16 A It would have, yes.

17 Q Where did you end up setting up?

18 A In City Hall. I was in the -- I  
19 don't recall which exact floor it was but I was on  
20 the -- I was facing the courthouses so that's the  
21 -- that would have been the southwest corner of  
22 that intersection right there of -- is that -- is  
23 that Tucker and Market right there?

24 Q Yes.

25 A Yeah. So I was looking at the --

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1 both of the courthouses.

2 **Q And what time approximately was it**  
3 **when you ended up setting up there?**

4 A Roughly, probably around 11:00 or so.  
5 It was -- I got in place before any protesting --  
6 or even before any crowds, you know, formed, but it  
7 was maybe around 10:00 or 11:00.

8 **Q How long did you stay there?**

9 A I was there all day. I was in this  
10 building the whole day. I moved to a couple  
11 different locations but I was in this building all  
12 day.

13 **Q Got very familiar with City Hall?**

14 A Yes, that's correct.

15 **Q When did you end the day?**

16 A Um, I don't recall exactly when we  
17 were pulled off of -- pulled out of City Hall. And  
18 I'm not sure --

19 **Q Was it still light outside?**

20 A Um, I honestly don't remember. I  
21 mean, we would have been told to leave here once  
22 the crowds would have left from here, and I don't  
23 -- like I -- I don't -- it's hard to remember what  
24 happened what days, you know, because there were  
25 many days that things completely went into the

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1 night and I don't know if that was that first day  
2 or not. But whenever the crowd left this general  
3 area was when I was pulled out of that OP and then  
4 would have linked up with the rest of the team.

5 Q What did you do after that?

6 A That day, I don't recall. I don't  
7 know if anything happened that night.

8 Q Did you work at a protest in the  
9 Central West End related to the Stockley protests?

10 A Yes.

11 Q In the evening?

12 A Was that the same day?

13 Q There was a --

14 A Okay.

15 Q Yeah, there was a protest in the West  
16 End --

17 A Okay. So then, yes. So then I went  
18 to that. I just wasn't sure if that was that same  
19 day or not.

20 Q Okay.

21 A So we -- do you want me to elaborate  
22 on that? Or --

23 Q I'll just ask. What -- what did you  
24 do first when you went to the West End?

25 A When we first went over there, we



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1 were -- all SWAT was staged inside of Forest Park  
2 and then our commander went up to the scene when  
3 all the stuff was happening with the mayor's house.  
4 We were told to stay put for right now. He was  
5 going to go up and assess the scene and see if we  
6 were needed because at that time -- like special  
7 OPs was the original people that had responded to  
8 that.

9 So eventually our commander called  
10 for us and we went up there. By the time we got up  
11 there, they had everybody pushed on the other side  
12 of Kingshighway into a cul-de-sac. So there was a  
13 CDT line there, and we were there for quite a  
14 while.

15 Q What were you doing there?

16 A Originally, when we got there, we  
17 were just -- we were just told to stay put there.  
18 They brought the BEAR out to Kingshighway and I  
19 don't know if that's Waterman or whatever street  
20 that is; whatever street the mayor lives on. But  
21 we were at the Kingshighway end of it and we were  
22 just set up there for, you know, quite a while.

23 You know, I know CDT was, you know,  
24 telling all those guys to disperse and at some  
25 point a couple officers got hit with bricks, and I

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1 guess, I mean, I don't know who made the decision,  
2 but after that happened, then they made the  
3 decision that we were going to try and clear  
4 everyone out of that cul-de-sac.

5 So then, that was when the -- they  
6 had the CDT team march all the way down to Euclid  
7 and we -- so we followed behind the CDT team as  
8 they marched down that cul-de-sac.

9 **Q Were you, personally, on foot or in**  
10 **the BEAR?**

11 A I was on foot.

12 **Q And was the BEAR with you?**

13 A I don't know -- I don't know if the  
14 BEAR went -- the BEAR was there at Kingshighway; I  
15 don't know if the BEAR went down that cul-de-sac or  
16 not because I don't know if they could even get in.

17 **Q And just so I am clear, are we**  
18 **talking the cul-de-sac on the west side of**  
19 **Kingshighway or the east side?**

20 A East side of Kingshighway. It may  
21 not even be a cul-de-sac, but I don't think it went  
22 all the way through. Like once we got up to  
23 Euclid, there's like a really ornate stone wall and  
24 gate there, so like traffic couldn't turn into  
25 there from Euclid. So I think it was a cul-de-sac;

1 it may just be a blocked off road there. I don't  
2 know.

3 **Q Is this south of Maryland?**

4 A I'm not exactly positive where  
5 Maryland is, so.

6 **Q I don't know how familiar you are**  
7 **with the neighborhood.**

8 A I never actually rode that  
9 neighborhood a lot because that's really not a high  
10 crime neighborhood so I'm not super familiar with  
11 it.

12 **Q The cul-de-sac or the street that**  
13 **doesn't go through, is that a residential street or**  
14 **a business street?**

15 A It was a residential street.

16 **Q After you were sort of following the**  
17 **CDT officers on foot as they were clearing people**  
18 **out of that street, what did you do next?**

19 A We pushed all the way down to Euclid  
20 and stayed there for a while. And then, I guess  
21 crowds formed at either end because they -- they  
22 told us to -- I guess that's going north on Euclid.  
23 They told us to push up north toward Euclid to  
24 disperse crowds up there and as we were, you know  
25 -- at that point there was not really -- it wasn't

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1 really a march like, of a CDT line; it was kind of  
2 a gaggle of officers at that point.

3 We went north up Euclid and, you  
4 know, after a few blocks that crowd dispersed, so  
5 we just held there for -- it seemed like a while.  
6 I don't know how long it actually was; maybe 20, 30  
7 minutes just to make sure it stayed dispersed. And  
8 then we went south down Euclid and did the same  
9 thing going south down Euclid to Lindell, and then  
10 we held at Lindell for quite a while.

11 Q You just said, I think, that it was  
12 "a gaggle of officers." Was there a line struck  
13 across the street?

14 A I mean, I think there was but it was  
15 just a -- normal officers. Like at that point --  
16 because, like, traditionally, those lines are like  
17 the CDT officers with shields and helmets and all  
18 that stuff. I don't recall them being out on -- I  
19 could be wrong, but I don't recall them being out  
20 on Euclid. I think it was just kind of a  
21 hodgepodge of just officers that were there.

22 Because at that point you had so many  
23 units that had responded there because of the mayor  
24 saying, you know -- special OPs was there, SWAT was  
25 there, district cars were there; there was every

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1 manner of people there at that point, so.

2 **Q Do you know who the incident**  
3 **commander was at that point?**

4 A I don't, no. I mean I would -- any  
5 name I would say would just be an assumption. I  
6 don't actually know.

7 **Q Were you with other members of SWAT?**

8 A Yes, ma'am, I was.

9 **Q And you, personally, you were kind of**  
10 **behind the line of normal officers; is that right?**

11 A That was when we proceeded down that  
12 cul-de-sac and then once we got onto Euclid, the  
13 line was basically us, you know, just the gaggle of  
14 officers was -- the combination of officers was --  
15 we basically formed a line and just kind of walked  
16 down Euclid in both directions just in a -- abreast  
17 of each other, basically.

18 **Q And what was your goal in, you know,**  
19 **pushing down Euclid?**

20 A We were told to just -- to go down  
21 Euclid to disperse the crowd and as we went down  
22 Euclid the crowd was dispersing. Like I said, it  
23 got to a point where they were so far ahead of us  
24 and you could tell they were breaking up so we were  
25 told to hold right there and stay in place.

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1                   We waited there for, maybe, 30  
2   minutes and then they told us to go south on  
3   Euclid. And we did the same thing going south  
4   until we got to Lindell and then we held there for  
5   quite a while.

6                   **Q       Who told you to do that?**

7                   A       I don't remember offhand. I would --  
8   probably, Lieutenant Sachs.

9                   **Q       Were you told to do that by radio?**

10                  A       We would have been, yes. We all wore  
11   headsets that ran into our radios and that's where  
12   all the direction comes from. So -- now, there's  
13   so many people talking all on this channel, so I  
14   don't -- I can't say for certain it was Tim Sachs,  
15   but I mean --

16                  **Q       Yeah.**

17                  A       -- there's a good chance it was.

18                  **Q       Do you recall if you were on the**  
19   **TAC-B channel?**

20                  A       I don't remember what channel it was.  
21   I wouldn't be surprised if it was because all those  
22   protests are on a recorded channel, and I know  
23   TAC-B is recorded, so it probably -- it probably  
24   was.

25                  **Q       Would there have been multiple**

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1 channels in use at the same time or is everybody  
2 who is responding to an incident using the same  
3 channel?

4 A I'm sure there probably was multiple  
5 channels in use. Now, we -- as far as SWAT, we  
6 always stayed on the same one which was the same  
7 channel that CDT was on. I mean, I'm sure probably  
8 all the different units use different channels and  
9 there's probably a primary one, but we were on the  
10 primary one.

11 Q I think you said you were told to  
12 push down Euclid in order to disperse the crowd; is  
13 that right?

14 A That's correct.

15 Q Do you know why? Why was the crowd  
16 supposed to disperse?

17 A I mean, at that point they were  
18 breaking some storefronts, I think. And I -- I can  
19 just only assume that the -- whoever gave us that  
20 -- made that call for us to push down there  
21 probably thought they were going to vandalize  
22 stuff.

23 Q Did you see anybody breaking a  
24 storefront?

25 A I didn't actually see anyone breaking

1 a storefront. I remember seeing broken glass and  
2 stuff like that, but I didn't actually see them  
3 doing it, no.

4 **Q Do you remember where you saw broken**  
5 **glass?**

6 A I thought it was off of Euclid. I  
7 thought it was on Euclid, yeah. I mean, again,  
8 I've worked so many dang protests that it could be  
9 -- the lines could be getting blurred, but I  
10 thought there was broken windows off of Euclid at  
11 one point as we were going down it.

12 **Q Do you remember whether there were a**  
13 **lot of broken windows, or just one?**

14 A I don't remember how many.

15 **Q Tell me if I've got this wrong, but I**  
16 **think to summarize what you said, you and the line**  
17 **of officers pushed north on Euclid, stayed --**  
18 **stayed put for 20 to 30 minutes, and then were told**  
19 **to do the same thing and push south on Euclid and**  
20 **then you held at Lindell?**

21 A That's correct.

22 **Q What did you do after that?**

23 A So we got down to Lindell and we held  
24 there for quite a while. We were there for so long  
25 because there was some guy that kept coming around



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1 the corner throwing bricks and like canned  
2 vegetables and all kinds of things at us. And at  
3 that point Colonel Layshop (phonetic) wanted us to  
4 send officers out and go try and arrest that guy  
5 which we did not think that was a very smart  
6 decision; that wasn't very tactically safe because  
7 at that point they thought some of the officers had  
8 gotten shot at from like an alleyway. I was not  
9 one of those officers, but I remember hearing that  
10 some guys got shot at over here.

11 There was no structure to the way we  
12 were when we were down there at Lindell, so me and  
13 a couple other guys pushed up to Lindell and we  
14 looked down towards the Chase and we made our own  
15 decision that we were not going to go chase after  
16 that guy and try and arrest him because that was  
17 not very tactically safe at that point. So we  
18 essentially disregarded that and came back to where  
19 the rest of the guys were at. I mean, they were  
20 only maybe 50 feet behind us, but we weren't trying  
21 to go chasing after anybody. That wasn't a safe  
22 thing to be doing, so we just stayed there for a  
23 while.

24 And nothing was really going on. You  
25 know, it always seems like it takes a long time for

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1 people to make decisions as to what we're going to  
2 do next, so that's why we were just kind of  
3 standing around. And then we got told to go back  
4 to where we were stationed in Forest Park.

5 **Q When you were holding at Lindell, was**  
6 **the BEAR with you at that point?**

7 A It was on Euclid, yes. It wasn't  
8 right up at the intersection, it was further back  
9 down but it was on Euclid. That was how I got back  
10 to Forest Park was by riding on the BEAR.

11 **Q You did not deploy any**  
12 **less-than-lethal munitions or chemical munitions in**  
13 **the West End that night; is that right?**

14 A That's correct.

15 **Q Did you see any other officers do so?**

16 A No, I did not. That night I only had  
17 my actual rifle because I had come off the sniper  
18 OP and I didn't have any other equipment with me  
19 other than my rifle. So I was more or less just a  
20 body walking in the line going up and down.

21 **Q And you didn't see any officers**  
22 **deploy mace; is that right?**

23 A Not that I saw, no. Now, like when  
24 CDT was clashing with those people, they were like  
25 right up on them, but we weren't a part of that.

1 And then when we were the ones that were actually  
2 walking that line, there was a great distance  
3 between us and any of those individuals, so I mean,  
4 you wouldn't have even been able to mace them if  
5 you wanted to.

6 Q After you went back to Forest Park,  
7 what happened? Did you stay there a long time?

8 A I think we got released from there.

9 Q Did you have some kind of debriefing  
10 or review of what had happened that day?

11 A Not that I recall, no.

12 Q Did you work the next day?

13 A Yes, ma'am.

14 Q Were you in, at the Loop that evening  
15 for a protest?

16 A We did go to the Loop. I don't know  
17 if that was that next day or not. It wasn't during  
18 the day, it was at night when I was in the Loop.

19 Q Let me go back to -- start from the  
20 beginning of Saturday, September 16. Did you come  
21 in to work that morning?

22 A Yes, ma'am.

23 Q And were there protests or civil  
24 disobedience events going on?

25 A As far as I remember, yes.

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1           **Q       Where did you go?**

2           A       That day, I don't specifically  
3       remember where we went. I would have gone to one  
4       of the sniper OPs to overwatch the crowd. I mean,  
5       if you're able to tell me where any of those crowds  
6       were, I can probably remember and tell you where I  
7       was at, but I just don't. Like I said, I haven't  
8       been able to read any after-actions reports or  
9       anything to refresh myself, so I don't specifically  
10      remember what was going on that next day.

11           **Q       And you said at some point you did**  
12      **respond to the Loop, but that was in the evening?**

13           A       That was in the evening, yes.

14           **Q       Okay. Do you remember why you were**  
15      **told to go there?**

16           A       We were told that they were going up  
17      and down Delmar there, you know, breaking windows  
18      and all that stuff. So we were sent over there --  
19      so we went over there and then there was -- so CDT  
20      -- I'm pretty sure there was a CDT line that was  
21      going down -- going back -- so the way we went in,  
22      we were all the way at the far end of the Loop,  
23      like towards University City and then when we --  
24      when they marched down, I was riding in the  
25      passenger seat of the van that we have as it went

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1 down Delmar going back towards the city.

2 And then we pushed that crowd all the  
3 way down to the Moonrise Hotel and then we stayed  
4 in place there at the Moonrise Hotel forming a line  
5 for a long time and, you know, the people weren't  
6 really doing much; they were just kind of standing  
7 in the street, hollering at us, but that was really  
8 about it. And then they eventually all just  
9 dispersed and then we left as well.

10 Q Did you see any officers deploy  
11 chemical munitions at that location?

12 A Not that I recall, no.

13 Q And I assume you also worked the next  
14 day, Sunday, September 17?

15 A Yes, ma'am.

16 Q Did you also start work in the  
17 morning?

18 A Yes, ma'am.

19 Q Do you -- I know that you may not  
20 remember the days, what happened each day and where  
21 you went each day. Do you recall where you went  
22 first?

23 A That -- that day I do because that  
24 was kind of like the biggest day, so I remember  
25 that and that was really our last day of

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1 involvement. I started that day, I had to go in  
2 early because, you know, whoever -- to my knowledge  
3 there is some type of protest organizer who usually  
4 tells the police department where they're going to  
5 be that day, at least that's the way it's supposed  
6 to work. And we had been told they were going to  
7 protest at police headquarters that day.

8 So me and a couple other guys on the  
9 sniper teams had to come in early and get put in  
10 our OP because we had -- there was no way to get  
11 into our OP through the building; we had to be put  
12 up there by the fire department in one of their  
13 bucket trucks. So we came in before the protest  
14 started and got put in place by the fire  
15 department, and then I spent that whole day there  
16 until the crowd had moved on from headquarters.  
17 And then we got taken down by the fire department.

18 And then we got told -- then once the  
19 crowd re-formed as evening kind of set in, they  
20 told us to get back in place. But we couldn't get  
21 back up on that building because, like I said, we  
22 had to be put in place by the fire department and  
23 the fire department couldn't get through the crowd.  
24 So we went to a building across the street from  
25 that building and that was all at 18th and Olive.

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1           Q       When you use the term "OP," you mean  
2   overwatch position?

3           A       Yeah, overwatch position or  
4   observation position.

5           Q       Okay. And in that -- from your OP  
6   you were relaying information about the crowd to --

7           A       Correct.

8           Q       -- intelligence command?

9           A       I was relaying it to Sergeant Mike  
10   Sego (phonetic), who, he was -- he was not one of  
11   our snipers but he was -- during -- during that  
12   protest, he was assigned to, basically, be the  
13   point of contact for all the sniper OPs. So all  
14   the different OPs -- because there's multiple OPs  
15   overwatching this whole area, they would all send  
16   their information to him and then he would then  
17   pass that on to Lieutenant Sachs who would then,  
18   you know, he would pass it on to -- I'm not sure  
19   who he passes that on to, but essentially, it goes  
20   up the chain of command from there.

21          Q       And how do you relay that  
22   information? Is that also by radio?

23          A       Yes, ma'am.

24          Q       Do you know if a recorded channel is  
25   used for that?

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1 A Yes, it is.

2 Q Do you use the same channel that the  
3 rest of SWAT and CDT are using in a situation like  
4 that?

5 A In a situation like that, we were not  
6 on the -- now, we would monitor the CDT channel on  
7 a different radio, but since we needed to be able  
8 to pass information quickly and not wait for the  
9 air to be free, that was passed on another channel.  
10 I think that was passed on MR/K-9, but I could be  
11 wrong. It was a record channel either way. Like  
12 the SWAT was very adamant about whatever channels  
13 we used had to be recorded, so.

14 Q The first time you were at that OP,  
15 how long were you there?

16 A I was there for many hours. Six  
17 hours, probably, at the first OP.

18 Q And how about the second one?

19 A The second one, maybe four hours. We  
20 went in there when it was still daylight and we  
21 stayed all the way through until nightfall came.  
22 And then the protest moved from the front of police  
23 headquarters and that was when they proceeded like  
24 down Market towards Washington Avenue and all that.  
25 And then once they were out of our field of view



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1 which was -- right around the library I'd say was  
2 where they were out of our field of view from that  
3 OP. Then we broke that OP down and -- like our  
4 cars -- the building we were in at that point,  
5 there was a parking garage underneath it and we  
6 were parked there, so we broke down all our  
7 equipment and went and met up with the team.

8 **Q I think that you said that what**  
9 **motivated you or your commander to put you to that**  
10 **second OP was that the crowd had re-formed?**

11 A That's correct.

12 **Q Do you know why the crowd re-formed?**

13 A I do not, no.

14 **Q Were they in the same place as --**

15 A Yeah, they went back to the front of  
16 police headquarters. There was people in front of  
17 police headquarters the whole time but it was just  
18 a very few. It was a very small number when we  
19 left that original OP and that was why we -- that  
20 was why we left; there was nothing really going on  
21 here anymore and like we had no overhead cover at  
22 that OP and we were absolutely cooked, so that was  
23 why we finally pulled off.

24 **Q Do you recall seeing a police vehicle**  
25 **back up into the crowd there?**

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1           A       I don't remember a police vehicle. I  
2   remember a -- I think it was a tan sedan being in  
3   the crowd. And that was at the western edge of the  
4   crowd which would have been at 20th and Olive.

5           **Q       Do you know if it was driven by a**  
6   **police officer?**

7           A       I do not. It -- I remember seeing it  
8   stopped in the crowd and basically a combination of  
9   police officers and protestors engaging that  
10   vehicle. So I think it was just a -- I mean, I --  
11   I don't know what -- it wasn't a police vehicle,  
12   but I can't also say that it was a protestor  
13   either. For all I know it could have just been  
14   somebody who got lost and didn't know they were  
15   driving right into a protest. And I don't know  
16   what they ended up doing with that vehicle or any  
17   of its occupants, but it was essentially being  
18   engaged by the police and the protestors at the  
19   same time.

20          **Q       Was that before or after the crowd**  
21   **had re-formed?**

22          A       That was before. That was earlier in  
23   the day.

24          **Q       The presence of the vehicle, is that**  
25   **the kind of information that you would relay to**

1     **Sergeant Sego? Or --**

2             A       I did. I would have relayed it, yes,  
3     but I mean, it was already being dealt with. Like  
4     the bulk of the information we passed was stuff  
5     that nobody else could see but us. So we would --  
6     when we're scanning these crowds, we're trying to  
7     identify anyone who we could tell was armed which  
8     there's a lot of people who open carry in these  
9     crowds, so we would report that up, giving a  
10    description of the person and what type of weapon  
11    we saw them carrying.

12            We would try to identify, you know,  
13    anyone that we -- that seemed like they were almost  
14    a ringleader, I'll say, you know, kind of -- any of  
15    the protestors who might seem to be giving  
16    direction to other protestors, we would pass that  
17    information up and identify those people. And then  
18    we would also keep track of all the undercovers  
19    that were in the crowd and, you know -- because  
20    those guys are just kind of out there flapping on  
21    their own when they're in those crowds, so we would  
22    do the best we could to keep an eye on them.

23            **Q       Were any of the people that you**  
24    **identified as ringleaders, like personally known to**  
25    **you already as a person who observes lots of**

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1     **protests?**

2             A       The only person that I remember  
3     seeing at these protests who I had seen before --  
4     and I don't know what his name is, but there is an  
5     individual who would always -- he would always  
6     bring a rifle to the protests and, you know, he's  
7     well within his rights to do that. But he was at  
8     that protest with a rifle and I distinctly remember  
9     him being there because we had seen him on numerous  
10    occasions at different protests, but I don't know  
11    what his name is.

12            Q       Other than that individual, there was  
13    no one who was personally known to you?

14            A       No.

15            Q       Except, I assume, the undercover  
16    officers?

17            A       Yeah, I certainly, obviously, knew  
18    who they were, so.

19            Q       Do you -- when you are relaying  
20    information about what a crowd is doing or what  
21    individuals in the crowd are doing, do you -- do  
22    you relay the kind of conduct that they're engaged  
23    in? Does that make sense?

24            A       If it's something of importance, yes.

25            Q       Okay.

1           A       So, you know, obviously, if we  
2       identified an armed individual, I would call up and  
3       say, you know, hey, in the western edge of the  
4       crowd I have an individual that has a pistol on his  
5       hip, and then I would go into a further description  
6       of him. That way, you know, the undercovers could  
7       try to identify him and then the other snipers and  
8       the other observation posts could try to find him.  
9       That way we could all jointly try to keep an eye on  
10      that individual.

11                 But you end up identifying so many  
12      individuals, it's impossible to keep up with all of  
13      them as the day goes on because these crowds are so  
14      large, they get lost in the crowd easily.

15           Q       Mm-hmm. Other than being armed or  
16      open carrying a weapon, are there other types of  
17      important conduct that you relay?

18           A       If we could identify anybody that had  
19      any -- anything that looked like water bottles  
20      filled with like milk or any of the things like  
21      that, then we would pass that up and identify those  
22      people. I mean, really -- that's really about it.  
23      Anybody who was carrying like strange items that we  
24      didn't even really know what they were, like  
25      there's this thing called a sleeping dragon, which

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1 I don't even really know what it is. It's some  
2 type of pipe they put their arms in, I think, and  
3 like lock themselves to it.

4 So if we saw people carrying strange  
5 items like that, we would pass that up.

6 **Q What is the significance of a water**  
7 **bottle filled with milk?**

8 A Generally that was -- so, like if you  
9 get maced or gassed, you know, the milk is like a  
10 -- I guess it soothes the affects of the chemical  
11 munitions. So that was something they wanted  
12 passed up because they basically wanted to know,  
13 like how -- it's essentially for them; they're  
14 gauging how prepared the crowd is for any type of  
15 response the police may give. That's my opinion of  
16 why we were told to pass that stuff up.

17 **Q I think you said after you left,**  
18 **after you had broken down that second OP you**  
19 **rejoined the rest of SWAT; is that right?**

20 A That's correct.

21 **Q Where did you go then?**

22 A I'm not sure of the actual numbers of  
23 the intersection but we were right there in front  
24 of the library was where the team was at and that  
25 was where we went and met up with them. I was in

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1 my personal Tahoe -- like my police Tahoe that  
2 night as well as the other two snipers. So we all  
3 went and linked up with the BEAR and the van there.

4 **Q And where were the protestors at that**  
5 **point?**

6 A There was people that they were -- I  
7 assume they were arresting them -- that they  
8 already had in custody there at the library and  
9 then at that point everyone else was -- they had  
10 already moved on from that and they were going down  
11 Washington Avenue, and CDT was over there dealing  
12 with that, but we were -- we were told to stage  
13 there at the library.

14 **Q Do you have a sense of what time it**  
15 **was at that point?**

16 A I mean, exactly, no. Maybe 8:00 or  
17 9:00. It was completely dark at that point so it  
18 was later in the evening but I don't know exactly  
19 what time.

20 **Q You said there were some people who**  
21 **were in custody near the library?**

22 A Yes, ma'am.

23 **Q Who was arresting them? Was that**  
24 **SWAT or --**

25 A No, that was CDT. Like CDT had

1 followed that crowd down Olive until they were out  
2 of our view, so yeah, that was all CDT officers.  
3 When I got there, SWAT was all sitting in the van  
4 and in the BEAR, just sitting there. We don't  
5 actually take part in any of these arrests or  
6 anything like that.

7 **Q Do you know what caused the people to**  
8 **be arrested?**

9 A I don't.

10 **Q How long did you remain there**  
11 **waiting?**

12 A Quite a while. We were there -- so  
13 we got there, stayed there; CDT was dealing with  
14 people on Washington Avenue. It was quite a while,  
15 and --

16 **Q Let me ask you, how do you know that**  
17 **CDT was dealing with people on Washington Avenue?**

18 A I mean, I think -- I didn't actually  
19 see them doing that but I thought -- CDT was not  
20 with us. They were -- and I remember hearing on  
21 the radio that people were going down Washington  
22 Avenue breaking potted plants and things like that,  
23 so I'm assuming CDT was down there dealing with  
24 them because there was only a small contingent of  
25 CDT officers where we were at.



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1                   And they weren't -- they were dealing  
2   with the guys that they were arresting. They  
3   weren't like forming a line or protecting anything  
4   like that. They were just dealing with those  
5   arrested individuals.

6                   **Q       So you stayed at that location for**  
7   **quite a while?**

8                   A       Yes.

9                   **Q       What did you do when you left there?**

10                  A       From there we were told -- from there  
11   we were released for the night. So we were told we  
12   could go. And like I said, I had my personal Tahoe  
13   at that point, so myself and another officer left  
14   and were going to where his car was at so we could  
15   go home.

16                  And once we pulled into there to drop  
17   him off, it came over the radio that we all had to  
18   go back because now there was some kind of crowd  
19   forming at the intersection there at Tucker and --  
20   is that Tucker and Washington? There was a crowd  
21   forming there so we were all told we had to go  
22   back. So all right. Well, I guess we'll go back.

23                  So we turn around and we go back and  
24   we parked on -- at this point, when we got there,  
25   like there was tons and tons of vehicles and that

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1 intersection was just completely crowded. CDT was  
2 already there, in place doing their thing, so we  
3 had to park quite a bit back. I mean, I was parked  
4 right about the intersection of Olive and -- Olive  
5 and Tucker and I had to walk down there with the  
6 other SWAT officers.

7 And they -- at one time they finally  
8 got the van up there because, like I said, we were,  
9 you know, that -- the van is what's tasked with  
10 officer rescue, if they have to rescue somebody.  
11 So they eventually got the van up there. I don't  
12 remember if the BEAR came up there or not.

13 And like I said, CDT was already  
14 dealing with the mass arrest situation that was  
15 going on there when we got back up there because  
16 they had never -- I don't know if they had been  
17 released or not but it takes a lot for CDT to get  
18 out of the area because they have to get picked up  
19 by these Bi-State buses and everything. We left so  
20 quickly because we had our own personal vehicles  
21 and were just able to burn out, so.

22 **Q When you parked at Olive and Tucker**  
23 **and you walked with other officers to Tucker and**  
24 **Washington, was there traffic going down that**  
25 **street?**

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1           A       I don't think so, no. It was mostly  
2 all -- where I parked was pretty much all police  
3 cars, you know, from every different unit that was  
4 there.

5           Q       And I think you said that by the time  
6 you got to the Tucker and Washington intersection,  
7 CDT was already controlling the mass arrests; is  
8 that right?

9           A       That's correct.

10          Q       What did you do at that point?

11          A       Just stood there, you know.

12          Q       Do you remember exactly where you  
13 stood, what part of the intersection?

14          A       I don't. I mean, I think we were  
15 right in the middle of the intersection because we  
16 walked up and, you know -- I'm not proud to say it,  
17 but at that point I didn't have the best attitude  
18 about what we were doing because I just -- I mean,  
19 I wanted to go home and --

20          Q       You had been released and called  
21 back.

22          A       Yeah. So me and the other officer  
23 that I was with just stood there and watched and  
24 essentially waited to be released again. I know  
25 that sounds lazy but that's what we did, so.

1           Q       Were you wearing personal protective  
2       equipment?

3           A       I would have had my SWAT equipment  
4       on, yes.

5           Q       And that's a black tactical --

6           A       Yes, ma'am.

7           Q       -- gear?

8           A       Yes. Black -- blue uniform -- all  
9       navy blue uniform, a black vest, and a black  
10      helmet.

11          Q       You were wearing your helmet at that  
12      point?

13          A       Yes.

14          Q       Could you observe the arrests that  
15      were taking place?

16          A       Yeah.

17          Q       Did you see any officers use chemical  
18      munitions?

19          A       Not that I recall, no.

20          Q       When you arrived at the intersection,  
21      was there still a sort of gaggle of civilians all  
22      in one place, or had some people's arrests been  
23      effectuated?

24          A       I don't know if people's arrests had  
25      already been -- when we got there, it was already

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1 going on. The parts I specifically remember is I  
2 know there was a crowd that had pushed north up  
3 towards like that gas station. And I know there  
4 was a line of officers that was like on that far  
5 side of that intersection. You know, they weren't  
6 like pursuing those guys, but they were just  
7 holding there. And then there was a group of  
8 people that were all seated on the ground with  
9 their arms interlocked and officers were basically  
10 separating those people and putting them in flex  
11 cuffs and all that stuff.

12 So that's the specifics of what I  
13 remember from being there.

14 **Q So if I understand what you're saying**  
15 **correctly, there were sort of two groups of**  
16 **civilians, one that was pushing north and another**  
17 **that was seated on the ground?**

18 A By the time I got there, that's  
19 correct. That's what I remember. If there was  
20 people going the other ways, I don't remember  
21 seeing them.

22 **Q The people who were pushing north,**  
23 **were they in custody or under control?**

24 A No, they were not right up on CDT.  
25 Like they -- they were a good distance. They were

1 about a block's distance away from CDT and I think,  
2 you know, I can't speak for those people, but I  
3 think they were probably just waiting to see if CDT  
4 was going to pursue them, which they didn't. And  
5 then after a short period of time those people just  
6 left.

7 **Q Were those people -- if I use the**  
8 **term "kettle," do you know what I'm talking about?**

9 A Yeah, I know it just from the news  
10 and everything. I didn't know what it was prior to  
11 that, but yes, I know what you're talking about.

12 **Q Were those people inside the kettle**  
13 **or outside of it?**

14 A They were outside of it. When we  
15 arrived, the only people that were inside of it  
16 were those people that were sitting on the ground.

17 **Q So the people who were outside the**  
18 **kettle, they were on the south side of that**  
19 **intersection trying to push north into the**  
20 **intersection; is that what you're saying? Or**  
21 **they're on the north side?**

22 A Say that again?

23 **Q You came up from the south; is that**  
24 **right?**

25 A That's correct.

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1           **Q       The civilians that you saw that were**  
2     **outside the kettle, were they on the same side of**  
3     **the intersection as you or --**

4           A       No, they were on the far side. Like  
5     when we came up from the south, we were able to  
6     just walk right in; like there was nobody on the  
7     south side.

8           **Q       Is that because the line that had**  
9     **been on the south side was doing the arrests?**

10          A       I believe so, yeah. I don't know  
11     specifically what line that was doing the arrests  
12     but there wasn't -- as far as I remember, by the  
13     time I got there, there wasn't even a line on the  
14     south side. As far as I remember, we were able to  
15     walk right up.

16          **Q       I think earlier you said that the**  
17     **group of people who was sitting on the ground had**  
18     **their arms interlocked?**

19          A       That's correct.

20          **Q       Is that with one another?**

21          A       Yes.

22          **Q       And you saw officers separating them**  
23     **and then flex-cuffing them?**

24          A       Mm-hmm. Correct.

25          **Q       Did you see any officer use any force**

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1     **that you thought was inappropriate?**

2             A       No.

3             **Q       How many people would you estimate**  
4     **was in that group?**

5             A       Quite a few. I mean -- I mean, it --  
6     I'm just taking a shot in the dark, but maybe 30 to  
7     50? It was a big group of people sitting on the  
8     ground.

9             **Q       You had been released and then told**  
10    **to go back; is that right?**

11            A       That's correct.

12            **Q       Were you told why you needed to go**  
13    **back?**

14            A       I don't know if we were actually told  
15    or if we just made the assumption.

16            **Q       What assumption did you make?**

17            A       I just assumed that they -- the crowd  
18    had re-formed and, you know, just there -- I mean,  
19    there was numerous times we'd leave locations and  
20    have to go back because a crowd had re-formed, so  
21    this was the only time we had actually been sent  
22    home and told to come back. But I -- I mean, I  
23    assumed that the crowd had come back.

24            **Q       What was your -- I understand that**  
25    **you were sort of standing there waiting to get**



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1 released again. What were you supposed to be  
2 doing? Is that what you were supposed to be doing?

3 A I was given no direction whatsoever  
4 other than to go back up there. The only people I  
5 recall being given any kind of direction was --  
6 like I said, the van was told to push back up there  
7 in case they had to do an officer rescue but other  
8 than that, we were given no direction at all.

9 Q How many officers were there,  
10 approximately, at that intersection when you  
11 arrived?

12 A A whole lot. I couldn't even tell  
13 you. There was policemen everywhere.

14 Q Did you feel like it was necessary  
15 for you to be there?

16 A No.

17 Q How long did you stay?

18 A Not that long. Maybe 15 minutes.

19 Q You didn't have any role in carrying  
20 out any of the arrests; is that correct?

21 A No.

22 Q Or transporting anyone?

23 A No.

24 Q Okay. Did you see the arrestees get  
25 placed in prisoner vans?

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1           A       I don't recall if I did that night.  
2       I mean, in the past I've seen numerous arrestees be  
3       placed in the sheriff's vans and the cruiser vans,  
4       but I don't know if I did that night or not.

5           **Q       Do you recall whether you saw**  
6       **arrestees get photographed?**

7           A       I don't recall. Like I said, same  
8       answer, you know, I've seen it happen. I don't  
9       know if it was that night or other nights.

10          **Q       Mm-hmm. When you are doing**  
11       **observation and relaying information, do you relay**  
12       **information about who is recording -- what**  
13       **civilians are recording?**

14          A       Not really because pretty much  
15       everyone's recording, it seems like, so that wasn't  
16       something that was really important for us. I  
17       don't know if that's something undercover would  
18       have been passing up, but not us. We were more --  
19       our focus was more on the safety aspects and the  
20       stuff we would pass up, you know. Like I said, the  
21       weapons and then anybody that seemed like an actual  
22       crowd organizer, you know, those are the things we  
23       would pass up.

24          **Q       Is it important to know who the**  
25       **organizers are for officer safety?**

1           A           I mean, I think -- so yeah, just  
2   because then -- so if you can identify that person  
3   and then you're tracking that person, it's just --  
4   it -- it helps give you a better sense of what they  
5   might be doing next. So, like, you know, not  
6   necessarily for me, but, like, the information we  
7   would pass that would eventually make its way to  
8   the undercovers that were in the crowd so they  
9   could go seek that person out.

10                   I mean, they, to my knowledge -- like  
11   those undercovers, they actually -- they're in the  
12   crowd asking questions about, hey, where are we  
13   going next, stuff like that. That's the next step  
14   in formulating the information. We, more or less,  
15   just start -- we're like the preliminary -- like,  
16   hey, that guy seems like an organizer. So then  
17   information goes back up, comes back down,  
18   undercovers try to go make contact with that  
19   person, and then their information goes up and so  
20   on and so forth.

21                   So to answer your question, it's a  
22   safety aspect in the sense of trying to anticipate  
23   their next moves. Because if we can do that, it  
24   just it makes us safe; it makes the geographical  
25   location safe if we can get officers in the area

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1 before things might go get destroyed or anything  
2 like that, you know.

3 Q Mm-hmm. You said, I think, that you  
4 stayed at the Tucker and Washington intersection  
5 about 15 minutes, a short time?

6 A Yeah, it seemed like it. I mean,  
7 most of the other locations we had been -- we were  
8 there for an extended period of time. We weren't  
9 at the Tucker and Washington for very long. It may  
10 have been longer than 15 minutes but it wasn't much  
11 longer than that.

12 Q What did you do after that?

13 A Went home.

14 Q Did you just walk back to your  
15 vehicle and drive away?

16 A Correct.

17 Q Did you go to any kind of debriefing  
18 or after-action review of Sunday the 17th?

19 A No.

20 Q Were you invited to do so?

21 A No, I wasn't.

22 Q I think I asked you this some time  
23 ago, but you weren't invited to submit a written  
24 narrative or critique of what happened?

25 A No, I wasn't.

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1           Q       I'm going to ask you some questions  
2   about some other protests.

3           A       Okay.

4           MS. STEFFAN: Do y'all want to take a  
5   break?

6           MR. LAIRD: This is a good time to  
7   take a break.

8                   (Off the record.)

9           Q       (BY MS. STEFFAN) I told you I was  
10  going to ask you about some other protests now.  
11  Just one general question about the Stockley  
12  protests first, did you see any other officers  
13  deploy chemical agents during those protests?

14          A       No. Not that I recall.

15          Q       Did you work a protest in August of  
16  2015 following the shooting death of Mansur  
17  Ball-Bey in the Fountain Park neighborhood?

18          A       Yes. Yes, I did.

19          Q       Did you see chemical munitions get  
20  deployed at that protest?

21          A       Yes.

22          Q       Did you yourself deploy any chemical  
23  munitions at that protest?

24          A       No.

25          Q       What munitions did you see get

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1 **deployed?**

2 A I don't know what they were --

3 **Q Generally?**

4 A Yeah, I don't know what they were  
5 specifically. What I recall happening was at one  
6 point -- at one point one of the commanders said  
7 that they wanted the BEAR to deploy chemical  
8 munitions and the way the BEAR does that is it  
9 drives out, essentially, towards the crowd and  
10 launches chemical munitions. I was out amongst the  
11 crowd at that time and got gassed myself so I don't  
12 -- I don't know what they were actually deploying,  
13 but it was all -- I mean, it was tear gas of some  
14 sort. Tear gas comes in a lot of different forms  
15 but it was tear gas of some sort.

16 **Q You were out among the crowd at that**  
17 **point?**

18 A Correct.

19 **Q Do you know what motivated the**  
20 **decision to deploy chemical munitions?**

21 A I don't know specifically, no. I  
22 mean, I obviously can speculate as to what drove  
23 that decision, but I don't specifically know.

24 **Q What did you see the crowd doing that**  
25 **would have justified the deployment of chemical**

1     **munitions?**

2             A       Throwing bricks and -- I mean, at  
3     some point even grabbing officers. That protest  
4     was a very different situation than what I have  
5     seen in other protests since. Like there was no  
6     CDT line. What the department had put out there  
7     was a line of just normal uniformed officers that  
8     they had called from districts from all over the  
9     city, and those guys were completely unprepared for  
10    the clash that happened with that crowd.

11            Because of all the protests I have  
12    been a part of outside of the shootings that  
13    happened in the Ferguson protest, that was the most  
14    violent protest I had seen. Now, it was a very  
15    short duration but during that short duration it  
16    was exceedingly violent. They were point blank  
17    throwing bricks at those uniformed coppers. At one  
18    point I know a female officer got grabbed and  
19    pulled towards the crowd.

20            There was, essentially, very little  
21    order, it seemed like to me, and that was how I  
22    ended up out amongst the crowd. Because at one  
23    point we were given -- there was nobody that really  
24    seemed like they were overall in charge. We were  
25    given direction to push the crowd one certain way

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1 and we pushed them up to Page and Walton. And then  
2 we pushed them north up Walton and that's where I  
3 was at when the BEAR -- I saw the BEAR go behind me  
4 deploying the chemical munitions.

5 So I don't know who made that  
6 decision to deploy the chemical munitions and I  
7 can't say specifically what drove them to make that  
8 decision, but I can only assume it was the violence  
9 of the crowd.

10 **Q You saw the BEAR go by on Page?**

11 A Yeah, it was on Page.

12 **Q Did you see chemical munitions get**  
13 **deployed anywhere but on Page?**

14 A No. If they did, I don't -- I don't  
15 have any knowledge of it because I -- I mean, I was  
16 there at that intersection, you know -- it  
17 obviously went and was at some, you know, at most  
18 -- it was out of my sight for most of it.

19 **Q Did you hear a warning that chemical**  
20 **munitions were about to be deployed?**

21 A I believe so, yeah. I mean, that was  
22 standard procedure for us even in the beginning  
23 when there really was no precedent as to what you  
24 were supposed to do. Even in Ferguson we told  
25 them, hey, we're going to deploy chemical munitions



1 if you don't leave.

2 **Q Did you hear a dispersal order?**

3 A Yes. That's almost -- that -- the  
4 dispersal order is given so much from the BEAR,  
5 it's almost a continual thing, you know. You  
6 generally only issue a very short pause between  
7 each dispersal order.

8 **Q So you heard the BEAR give a**  
9 **dispersal order on Page?**

10 A Yeah, like we had an actual guy who  
11 that was his responsibility was to continually give  
12 that dispersal order.

13 **Q Who was that guy?**

14 A Jason Chambers. For that particular  
15 protest, that's who it was.

16 **Q He drives the BEAR?**

17 A He drives the BEAR, yeah. That's why  
18 it was -- it essentially falls -- giving the  
19 dispersal order essentially falls on whoever's  
20 driving the BEAR. So that's why it was him because  
21 that was his duty, was the BEAR driver back then.

22 **Q What does the dispersal order sound**  
23 **like?**

24 A You know, it basically says it -- you  
25 know, I'm just summarizing because it's been a

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1 while since I heard it, but it's you're unlawfully  
2 assembling, you know, based upon whatever ordinance  
3 it may be because there's been a lot of times where  
4 they've said what actual ordinance or law they're  
5 breaking and you must disperse or you're going to  
6 face arrest and you could also face chemical  
7 munitions, you know. Some combination of all that.

8 **Q You've heard the dispersal order a**  
9 **lot; right?**

10 A Yes, ma'am.

11 **Q I know it's been a while at this**  
12 **point?**

13 A Yes.

14 **Q What does disperse mean to you?**

15 A To me, I mean, leave the area. No  
16 longer congregate. And all the individuals,  
17 whether they leave together or individually, they  
18 just leave the area and quit doing whatever it is  
19 that they were -- they were congregating doing in  
20 the first place, whether it's blocking traffic or  
21 being violent against the police or -- that's what  
22 it means to me.

23 **Q One straggly question about the**  
24 **Stockley protest. Do you have a sense of whether**  
25 **the protests were legal or illegal?**

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1 MR. LAIRD: Objection, calls for a  
2 legal conclusion. You can answer.

3 A I mean, I --

4 **Q If you don't know that's fine.**

5 A I really don't know, you know. You  
6 know, maybe I should have put more thought into  
7 things like that but I really don't. I mean, I'm  
8 just a cop and I was kind of just doing what I was  
9 tasked to do, you know.

10 I mean, sure, as far as like the  
11 municipal ordinances they're breaking of impeding  
12 the flow of traffic and things like that, yeah,  
13 they're very clearly breaking those laws, but I  
14 didn't really give any deeper thought into any of  
15 it.

16 **Q During your tenure with the police**  
17 **department did you get training on the First**  
18 **Amendment?**

19 A I'm sure I did, yeah.

20 **Q After you left the academy did you**  
21 **get any training on the first amendment?**

22 A I probably did. Not that I  
23 specifically remember, but, I mean, we do  
24 continuing education training every year, so it  
25 varies, the topics that it's over.

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1           Q       Do you know if you were told one way  
2       or another if people have a first amendment right  
3       to protest?

4           A       I mean, they do. People absolutely  
5       have a right to protest. I know that from not even  
6       having to be told.

7           Q       Do you know if people ever have a  
8       right to protest on a street?

9           A       Specifically, I don't know, but I  
10      mean, we would, we would block those streets off  
11      for them and allow them to be there doing that, you  
12      know. And in my experience it seemed like to me  
13      what usually led to those arrests was not just the  
14      simple, hey, you're in the street, that's it; it  
15      was the, you've been here for so long doing this,  
16      and then the crowd ended up getting violent or  
17      either conducting property damage which then led  
18      to, okay, now everybody's got to leave. And then  
19      they wouldn't leave so that's why they would be  
20      arrested.

21                   But it's, you know -- very few times  
22      were these crowds ever just like, hey, we're just  
23      randomly in the street. Those streets were blocked  
24      off for them and they were allowed to be there. No  
25      one was trying make them go anywhere right away.

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1 It wasn't until like damage would start occurring  
2 and things like that.

3 Q Do you know who makes the decision of  
4 what streets to block off?

5 A I don't.

6 Q You didn't make that decision?

7 A Oh, no. That's many levels above me.

8 Q Based on your experience as a SWAT  
9 officer, in particular your experience observing  
10 crowds, if one person is causing property damage,  
11 does that affect the protest right of another  
12 person?

13 MR. LAIRD: Objection to form. You  
14 can answer.

15 A Okay. I mean, I'll try to answer  
16 that as best I can. I mean, once the property  
17 damage starts occurring, whether it's by one  
18 individual or numerous, that's when I've always  
19 seen it be to where, yeah, then they want everybody  
20 to leave. And I can only assume that's because  
21 they don't know what's going to happen from there.

22 So it's like a blanket everyone has  
23 to go. And of course, there's absolutely people in  
24 these crowds who are causing no problems and  
25 they're just exercising their rights to protest

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1 peacefully, you know what I mean? That's --  
2 there's definitely a lot of those people out there  
3 that are not doing anything wrong. So there's the  
4 few bad apples that turn it into a bad situation  
5 for everybody.

6 Q I think you earlier said that a  
7 dispersal order is telling people to leave the  
8 area; is that right?

9 A Correct.

10 Q How far does the person have to go to  
11 comply with the dispersal order?

12 A That, I really have no idea. If  
13 there is an actual set parameter, I am unaware of  
14 it.

15 Q If you think back to the time when  
16 you were in the line of officers that was pushing  
17 people first north and then south on Euclid in the  
18 West End, you were trying to disperse those people;  
19 yeah?

20 A I mean, they were pretty far ahead of  
21 us so we were essentially just following their  
22 path, making sure they didn't come back down and  
23 like break anything. Like the -- whatever damage  
24 may have been caused there -- and I may be  
25 confusing damage from the Delmar or Wash Ave with

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1 Euclid. I just remember seeing damage during these  
2 protests and there are so many of them it's hard to  
3 pinpoint exactly what is what.

4 It is my belief that our intent there  
5 -- because we weren't going to try and lock these  
6 people. My intent was that we were pushing out  
7 there to keep them from coming back. Because they  
8 were already gone. Like we were never like --  
9 there's a lot of incidents in protests where these  
10 guys are face to face. We were never face to face  
11 with those people on Euclid. They were very far  
12 ahead of us.

13 Q And how long does a person need to  
14 leave the area in order to comply with the  
15 dispersal order? When can they come back?

16 A I honestly don't know.

17 Q Did you work at a protest in May of  
18 2015 near Jennifer Joyce's house in Holly Hills?

19 A No. I was not a part of that. I do  
20 remember it, but I wasn't a part of it. I don't  
21 even know if we were working that day, I just heard  
22 about it.

23 Q By "we," do you mean SWAT?

24 A Yeah, I don't even know if SWAT was  
25 working.

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1           Q       Did you work at a protest in December  
2       of 2014 near old police headquarters?

3           A       I don't recall. I very well could  
4       have. I don't remember. I've been to protests at  
5       old police headquarters, yes, but I don't know if  
6       it was then.

7           Q       Sure. Thinking back to what you  
8       remember about working protests at old police  
9       headquarters, did you ever see any officers deploy  
10      chemical munitions at those -- at that protest or  
11      those protests?

12          A       Not that I recall right now. I mean,  
13      I -- like I said, a lot of this stuff I would have  
14      to reread these police reports to, you know, to be  
15      refreshed.

16          Q       And you didn't write any --

17          A       No, I didn't. I mean, I know that  
18      all these are documented but I didn't write any of  
19      them that were -- like I said, the only thing I  
20      ever remember writing was when the BEAR was shot in  
21      the original Ferguson protest.

22          Q       Do you remember if you were ever  
23      asked by a report writer for information to be used  
24      in the report? It's a complicated question.

25          A       I mean, I know after the original



1 Ferguson, you know -- I mean, I know Lieutenant  
2 Dodge asked us to, you know, inform him as best we  
3 could specifics that we remembered about when we  
4 deployed -- for me, personally, deployed impact  
5 rounds because that was my duty. And then he asked  
6 the gas guys, can you tell me specifics of when you  
7 remember you deployed gas. And that was such a  
8 rampant -- maybe not rampant's the word, but it was  
9 just going on so much that there was no way to  
10 track what was going on during those original days  
11 of the protests.

12 And I think that's what led to the  
13 way it is now and was during Stockley to where  
14 nothing can be deployed without a commander's  
15 say-so, and then that's all on the recorded net  
16 which helps document what was deployed and where.  
17 But as far as actually submitting something  
18 official in writing, no, I never did that for  
19 anything. It was mostly like, hey, what do you  
20 remember, and you tell them and that was it.

21 **Q I understand that you don't recall**  
22 **deploying any less lethal or impact rounds after**  
23 **original Ferguson; is that right?**

24 **A** Correct.

25 **Q Was there anything put in place after**

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1     **Ferguson that would have allowed you to keep track**  
2     **of what you had deployed?**

3             A       Just the same thing of it, like it  
4     would have to be at a commander's discretion.

5             Q       **Did you -- I think you did say**  
6     **earlier that you worked the protests at South**  
7     **Grand?**

8             A       Yes, ma'am.

9             Q       **From what I understand, there were**  
10    **protests both in October and in November of 2014 in**  
11    **that area. Do you recall that?**

12            A       Mm-hmm. I do.

13            Q       **Do you remember how many protests you**  
14    **worked in that area?**

15            A       Not specifically, no. I mean, I know  
16    there was the night that the officer -- the  
17    district officers got surrounded there, which we  
18    were -- we didn't get to go to part of that. They  
19    held us in reserve a block away.

20                    I specifically remember that because  
21    we were very frustrated that we didn't get to go  
22    because those officers were being completely  
23    overwhelmed, and the chain of command was so  
24    worried about the appearance of SWAT being there  
25    that we had to just sit and listen to it on the

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1 radio.

2 And then I don't know if it was the  
3 same night or the following night, but the team did  
4 deploy chemical munitions on South Grand and I was  
5 present for that. But like I said, I don't  
6 remember if that was the same -- I don't know if  
7 that's all the same night or separate nights. But  
8 they were all in the same location, like right  
9 there at Arsenal and South Grand and all that.

10 **Q You may have anticipated my next**  
11 **question. Do you remember where the district**  
12 **officers got surrounded, was that at that**  
13 **intersection?**

14 A I think that was at Arsenal and South  
15 Grand.

16 **Q So where was SWAT at that time?**

17 A We were sitting on a parking lot of a  
18 church north on Grand about two or three blocks, so  
19 we were right there. We absolutely could have  
20 helped those officers but we were told to stand  
21 down and stay in place.

22 **Q And I think you said you don't recall**  
23 **if it was that night or the following night but at**  
24 **some point SWAT was allowed to deploy and use**  
25 **chemical munitions?**

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1           A       That's correct. At one point Chief  
2     Dotson at that time -- like, I remember being -- he  
3     was like -- okay. Like go gas it. Because he was  
4     very apprehensive about doing it. But I  
5     specifically remember him, at least on that night  
6     on South Grand, he was the one that gave that  
7     command to gas.

8           Q       Did he tell you why?

9           A       I mean, not me. This was a  
10    conversation between him and Lieutenant Dodge that  
11    I was present for, but he wasn't actually speaking  
12    to me. They were already breaking windows and  
13    everything on South Grand, so I mean, I would  
14    assume it was to stop the property damage.

15          Q       And where were the munitions  
16    deployed?

17          A       Out of the BEAR.

18          Q       At the Grand and Arsenal  
19    intersection?

20          A       Well, going -- it was going up and  
21    down, so basically, that was the start point was  
22    Grand and Arsenal. And then we would travel down  
23    -- we would travel down Grand. I don't remember  
24    what -- I don't remember exactly what the  
25    turnaround street was but we traveled a great

1 distance until you were past like the shops and the  
2 we would turn around and go back. And basically,  
3 it was a slow process of going back and forth up  
4 and down Grand, deploying chemical munitions toward  
5 any of the crowds that were still around, which it  
6 took numerous trips up and down Grand before they  
7 were all fully dispersed. But then they were  
8 finally.

9           **Q       How could you tell that people were**  
10 **fully dispersed?**

11           A       They just weren't in the area  
12 anymore. When it began, both sides of the street  
13 were completely lined with people. And that was a  
14 time when I do remember witnessing people break  
15 windows and things such as that. And those were  
16 the people that, you know, were being engaged by  
17 the chemical munitions. And then after a few trips  
18 up and down South Grand, then there just wasn't  
19 anyone on Grand anymore other than the police.

20           **Q       Did the BEAR ever deploy munitions on**  
21 **Arsenal?**

22           A       I don't think we ever went up and  
23 down Arsenal. I mean, I could be wrong. I was  
24 inside the BEAR so that -- you can't really -- you  
25 can't really see a whole lot outside of the BEAR.

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1 Like there's just little portholes and little  
2 windows. So I don't know if we ever went up and  
3 down Arsenal or not. It was primarily all Grand.

4 **Q And when you say the munitions were**  
5 **deployed out of the BEAR, is that with one of the**  
6 **launching systems?**

7 A With launching systems and as well  
8 with just dropping -- like there's handheld gas as  
9 well. It kind of looks like a little grenade  
10 canister, I guess, if you will. So those would be  
11 deployed out of the portholes. You basically just  
12 pull the pin and drop it out of the porthole and it  
13 lands right there on the street. It doesn't  
14 actually go towards anybody, but those handheld  
15 canisters, they emit a lot more gas than the launch  
16 stuff does, so those were commonly used during  
17 those trips in the BEAR.

18 **Q Were you deploying chemical**  
19 **munitions?**

20 A No, I was the impact guy so I would  
21 have had my -- I was standing by ready to engage  
22 anybody with an impact round that would have needed  
23 to have been engaged.

24 **Q The munitions that were launched**  
25 **rather than just dropped, are they done from inside**

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1     **the BEAR?**

2             A       Correct.

3             **Q       Okay. I think you said you can't see**  
4     **very well out of the BEAR from the inside?**

5             A       You can see but it's not like -- like  
6     as far as knowing where you're always at --  
7     especially me, like I wasn't one of the dudes on  
8     the windows. Like the dudes that are actually  
9     engaging with those weapon systems, they're on the  
10    portholes which have a window above it. Like I'm  
11    at the interior of the BEAR standing, holding onto  
12    the rail, waiting to be called to one of the  
13    portholes.

14                    So for me and the other impact guys  
15    that were on the interior of the BEAR, like at  
16    center line, it's hard to know where you're at  
17    other than looking out the back door which stands  
18    open.

19             **Q       And if I understand correctly, there**  
20    **was sort of a bench step around the inside?**

21             A       Correct. The way we would stack that  
22    inside that BEAR was, the gas guys were kneeling on  
23    that bench, looking out the portholes, and then the  
24    impact guys -- there was a center rail. We would  
25    stand and hold on to that rail and if there was a

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1     need -- like sometimes there would be a sergeant in  
2     the BEAR who was directing where stuff needed to  
3     go. And if an impact round was needed versus a gas  
4     round, they would tap one of us and tell us where  
5     to go and what to look for and if we could see it,  
6     we'd engage it.

7               **Q       Were you -- was the SWAT Team trying**  
8     **to launch the munitions toward anything in**  
9     **particular, or just out?**

10              A       I mean, with the launchers, I would  
11     assume they're probably just launching it, they're  
12     launching them out towards crowds. The handheld  
13     stuff, like the porthole is so small you can't even  
14     fit your hand out to throw it. You literally, like  
15     -- you pull the pin and push it out the porthole  
16     so it falls right down. But the handhelds emit a  
17     whole lot of gas, so even if it's a distance from  
18     the crowd, that gas is going to go towards them  
19     because it emits so much. I hope that answers your  
20     question.

21              **Q       I think so. I'm trying to figure out**  
22     **if the goal was just to deploy munitions widely so**  
23     **there was a lot of gas and smoke?**

24              A       Correct. That's my belief that that  
25     was the intent.



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1           **Q**       And if you had needed to engage a  
2       **specific person, you, as an impact guy, might have**  
3       **been doing that; is that right?**

4           A       That was my role.

5           **Q**       **Okay.**

6           A       So if they -- like the people who  
7       could see better, like if they would see people --  
8       because there would literally be like guys -- in  
9       Ferguson we'd be going up and down West Florissant;  
10      there would be guys just hunkered down, literally  
11      lighting Molotov cocktails and stuff like that.  
12      And they'd say, hey there. And so these would be  
13      the people that I would engage.

14          **Q**       **Did you work at a protest near the**  
15      **QuikTrip at the intersection of Vandeventer and**  
16      **Chouteau?**

17          A       Mm-hmm.

18          **Q**       **What did you do there?**

19          A       There -- as far as I remember, you  
20      know, we were -- I mean, we basically got sent up  
21      there to arrest the people that were there. Which  
22      I know -- I mean, I am a pretty sure there was a  
23      mass arrest made there at least, you know, more  
24      than a few people. And when we were there, you  
25      know, we were flex-cuffing people and that was a

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1 time when I was escorting people into like the  
2 cruiser vans and stuff like that.

3 **Q Did you see any officers use any**  
4 **chemical agents at that protest?**

5 A I remember people being maced there  
6 but I don't -- I mean, it's been so long now, I  
7 don't remember who did any of it, but I do remember  
8 it in that occurrence. Because that was a time  
9 where we were the ones having to go hands-on with  
10 those people. So I do remember people getting  
11 maced. I'd just have to read a report to know who  
12 it was.

13 **Q Do you remember any handheld or**  
14 **launched munitions used at that protest?**

15 A I don't think we did there, no,  
16 because we were -- in that occurrence we were sent  
17 up there to actually lock those people up, which is  
18 not what SWAT normally does, and I don't know why  
19 they directed us to do that versus anyone else that  
20 night.

21 **Q The people who were maced, were they**  
22 **maced by SWAT or someone else?**

23 A I mean, I think by SWAT, but I could  
24 be wrong.

25 **Q Do you remember why chemical agents**

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1       **were used?**

2               A       I don't, no.

3               Q       Did you work during a protest before  
4       **Ferguson in 2012 near the Compton Hills Reservoir**  
5       **at Grand and 44? Would have been protesting**  
6       **related to the Occupy movement?**

7               A       I mean, if SWAT was there, I would  
8       have been there. I don't remember it but I would  
9       have been there if SWAT -- if SWAT was there, I was  
10      there.

11              Q       Earlier you mentioned the impending  
12      **the flow municipal ordinance?**

13              A       Mm-hmm.

14              Q       Are you familiar with that ordinance?

15              A       For the most part, yes.

16              Q       Do you know whether it applies on  
17      **sidewalks?**

18              A       Once you're on the sidewalk, no, it  
19      shouldn't apply anymore.

20              Q       If a person -- so based on your  
21      **training as a police officer and your familiarity**  
22      **with that ordinance, if a person is standing in the**  
23      **street and is told to disperse and they go to the**  
24      **sidewalk, have they complied with a dispersal order**  
25      **at that point?**

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1 A In my opinion, yeah.

2 Q Did you ever receive any training on  
3 the impeding traffic ordinance?

4 A Not specifically, no.

5 Q How about the unlawful assembly  
6 ordinance? Did you receive any training on it?

7 A Not specifically, no. I mean, those  
8 are all things they would mention when you're at  
9 CDT training and stuff like that, but I don't  
10 recall anything that was tailored specifically  
11 towards that.

12 Q You were not a member of CDT but you  
13 attended training as a member of SWAT; right?

14 A Correct. Yes, ma'am.

15 Q Do you remember why CDT was created?

16 A Well, what I -- from my understanding  
17 of, it there was always a CDT team but they didn't  
18 really -- they didn't do anything. Like they were  
19 never called out to anything. If there was  
20 something that would happen in -- like prior to  
21 Ferguson, then the SWAT Team would just go handle  
22 it.

23 And then after Ferguson and they saw  
24 -- like Ferguson was essentially all handled by  
25 SWAT teams, and obviously that was not well

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1 received, so then, it's my belief that that was why  
2 they ramped up the CDT program. Because prior to  
3 that there wasn't anybody that was like  
4 specifically assigned to run those teams and  
5 conduct that training. And, obviously, that all  
6 changed and they made those assigned duties and,  
7 you know, I think it was just all, like I said,  
8 because they didn't want SWAT teams dealing with  
9 that.

10 Q CDT is a lot bigger than SWAT; right?

11 A Oh, absolutely.

12 Q Does CDT use launched munitions?

13 A They do not, no. That's why we're  
14 there. So if they have the need for it, we would  
15 be the ones to do that.

16 Q But CDT does use mace; right?

17 A They do, yes.

18 Q Every officer is issued mace; yeah?

19 A As far as I know, yes.

20 Q Did you receive any training on when  
21 it is appropriate to use mace?

22 A I mean, in the academy, yes.

23 Q Based on that training, what is your  
24 understanding of when it is appropriate to use  
25 mace?

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1           A       I mean, it -- it could be any number  
2   of reasons. You know, generally, if it's, you  
3   know, you're trying to subdue some type of  
4   combative or resistant subject, you know, you would  
5   mace them in order to make them more focused on  
6   their eyes and their face that's now burning, and  
7   then that takes their attention away from trying to  
8   aggress the police officer and then it's easier to  
9   put them in handcuffs.

10           Q       **Did you receive any training on when**  
11   **it is appropriate to use mace in a protest context?**

12           A       Not that I recall, no. I mean, I  
13   think it was all just, you know -- any of the mace  
14   training I personally have had was just your  
15   general, hey, you're a policeman; here's how to use  
16   mace. I don't -- the CDT team, they very well may  
17   do specific training like that but I was not a part  
18   of it.

19           Q       **Did you ever hear officers say "whose**  
20   **streets, our streets" during the Stockley protests?**

21           A       I heard about it. I didn't hear it  
22   in person but I, of course, heard all about it.

23           Q       **Who did you hear about it from?**

24           A       I mean, it was in the paper and then  
25   everybody was talking about it.

1           Q       People at the department were talking  
2   about it?

3           A       Correct.

4           Q       Did command staff talk about it?

5           A       Not to me, no. I mean, it was, you  
6   know -- what I heard about it was just the banter  
7   between just coppers of like going, well, that was  
8   a stupid move, you know, so -- policemen are very  
9   critical of other policemen if you don't know that.  
10   That was my extent of hearing about it.

11          Q       Did you have any kind of like roll  
12   call the morning of the 15th of the first day of  
13   the verdict?

14          A       No, just that -- we just gathered --  
15   SWAT just gathered at headquarters like we did  
16   every normal day. We don't have a formal roll call  
17   like CDT team probably did.

18          Q       Is that gathering attended by the  
19   SWAT commander?

20          A       Yes.

21          Q       Is that when they give you sort of  
22   instructions for the day?

23          A       Correct.

24          Q       And you had a gathering like that all  
25   three mornings of that weekend; is that right?

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1 A Yes, ma'am.

2 Q Did you work at the Women's March in  
3 January 2017?

4 A Not that I recall.

5 Q Have you ever worked at an event  
6 called the Women's March?

7 A We did -- I don't know if it was a  
8 Women's March or not. I remember there was some  
9 type of march where we had to set up an OP for just  
10 to give intel of where they were going. And I  
11 don't know if that was specifically a Women's March  
12 or what that was a march for, but it was definitely  
13 a march; it wasn't a protest.

14 Q Is there a difference between a  
15 protest and a march?

16 A The marches are -- basically, they're  
17 doing just that. They assemble briefly and then  
18 the whole crowd walks down the street and goes a  
19 few different ways and then it's basically over.  
20 With, you know, there's no -- like, at least from  
21 what I saw, there's no lasting gathering like the  
22 protests were. And none of those marches were ever  
23 violent or anything like that. They weren't  
24 breaking anything or -- not that I saw.

25 Q When you say "none of those marches,"



1     **what are you referring to exactly?**

2             A       I mean, like I've seen them quite a  
3     few times as a policeman, whether I was in a SWAT  
4     capacity or in special OPs, when we would have to  
5     drive around the perimeters of the marches. I  
6     don't specifically remember what the marches were  
7     for but I mean, I was at a few of them and those  
8     were all peaceful events.

9             Q       **Do you know if there was a march in**  
10    **the West End after the Stockley verdict was**  
11    **released?**

12            A       Not that I -- a march? Not that I  
13    recall, no. Only time I -- the only thing I  
14    remember in the Central West End was that one night  
15    we were there on Euclid.

16            Q       **Mm-hmm. How about -- thinking back**  
17    **to 2015 and the protest that happened after Mansur**  
18    **Ball-Bey's death, do you know if there was a march**  
19    **then?**

20            A       Not that I recall, no.

21            Q       **Are you familiar with the preliminary**  
22    **injunction that the court issued in this case,**  
23    **Ahmad versus City of St. Louis?**

24            A       I don't know. I don't know what  
25    you --

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1           **Q       Are you familiar with the court order**  
2   **that was issued in Ahmad?**

3           A       Like saying you couldn't -- I don't  
4   know if it is about Ahmad, but I remember when the  
5   courts said that you couldn't either mace or gas  
6   people anymore, I mean -- is that what you're  
7   talking about?

8           **Q       I'm trying to understand --**

9           A       I'm trying to understand too. I  
10   don't -- I don't know what -- who it pertained to.  
11   I mean, the first time I had ever heard the Ahmad  
12   name was when I got subpoenaed for this. But I do  
13   remember -- and I don't know if it was when I was  
14   still on the department or not when they were, you  
15   know, when some federal judge, I thought, said, no,  
16   you can't just use gas like that anymore. At least  
17   that's what I thought it pertained to.

18           **Q       The thing that you're familiar with**  
19   **that you're describing, is that something that**  
20   **happened recently or some years ago?**

21           A       I mean, I thought it was within a  
22   year. Not necessarily -- it wasn't like all the  
23   way back in '15 or anything like that.

24           **Q       How did you learn about it?**

25           A       Just word of mouth. I mean, that's

1 all I remember hearing about it. I never read any  
2 actual documentation about it.

3 Q After the Stockley protests, did you  
4 receive any communications from command staff about  
5 how things had gone?

6 A No, I didn't.

7 Q Did you ever get any training or  
8 counseling about protests where -- using chemical  
9 agents?

10 A No, I didn't. You're talking about  
11 after the Stockley?

12 Q Yes.

13 A No.

14 MS. STEFFAN: I think I'm finished;  
15 although, I'd like a couple minutes just to check  
16 through my notes. If you have anything, please go  
17 ahead.

18 MR. LAIRD: I think it would be a  
19 good time to take a break. Can I talk to you for a  
20 second?

21 THE WITNESS: Sure.

22 (Off the record.)

23 MS. STEFFAN: Do you want me to go  
24 first?

25 MR. LAIRD: Sure.

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1           Q        **(BY MS. STEFFAN) I just have a**  
2       **couple more additional questions, sort of, global**  
3       **questions. Thinking back to all of the protests**  
4       **that you've worked at during your tenure with the**  
5       **police department, did you ever see any other**  
6       **officer use unnecessary force at a protest?**

7           A        No, not that I actually saw, no.

8           Q        **Did you hear about that?**

9           A        I mean, I've heard, obviously, all  
10       the things that have been in the media and just all  
11       the rumor mills that go along with all that stuff  
12       being in the media, of course. I've heard that,  
13       but not that I specifically saw myself, no.

14          Q        **Did you ever see any officer**  
15       **retaliate against a protestor?**

16          A        No.

17                   MS. STEFFAN: That's all I have.

18                   EXAMINATION

19       QUESTIONS BY MR. LAIRD:

20          Q        **Okay. I am just going to have a few,**  
21       **kind of, follow-up questions.**

22          A        Okay.

23          Q        **You mentioned when you were up on the**  
24       **-- at the OPs, both on City Hall and when you were**  
25       **by the police headquarters, your job was to then,**

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1     **basically, report behavior that you saw for the**  
2     **safety of the officers on the ground?**

3             A       Correct.

4             Q       Would this include anything that you  
5     **saw that would be property damage?**

6             A       Correct.

7             Q       Let's start on the 15th. You were at  
8     **City Hall all day; right?**

9             A       Yes.

10            Q       During the daytime?

11            A       Yes.

12            Q       From that vantage point, did you see  
13     **anybody in the crowd engage in any property**  
14     **destruction?**

15            A       Yes. When the crowd was at --  
16     towards old headquarters, at Clark and Tucker they  
17     were destroying a police car there, so we, of  
18     course, passed that information up and then, you  
19     know -- then CDT arrived.

20            Q       Did you see -- did you see anybody in  
21     **the crowd throwing any objects towards police**  
22     **officers that day?**

23            A       Yes, once the -- at that  
24     intersection, once the CDT team arrived, there were  
25     individuals throwing water bottles and glass

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1 bottles and rocks at the CDT line.

2 Q Had the CDT officers engaged with the  
3 protestors at all before anything was thrown at  
4 them?

5 A No, they were just forming up, you  
6 know.

7 Q From your vantage point at City Hall  
8 that afternoon, did you hear dispersal orders being  
9 given?

10 A Yes.

11 Q How many times?

12 A Numerous minutes. You know, it gets  
13 to a point where the dispersal order is almost a  
14 repeating thing; they are just continually --  
15 continually broadcasting it.

16 Q And then I'll ask the same question.  
17 Moving forward then to Sunday when you were up on  
18 the OPs by police headquarters, did you witness any  
19 property destruction that time on that occasion?

20 A On that occasion, no. I was just --  
21 I was made aware of the property destruction  
22 because I could hear it being broadcast on the  
23 radio, but I didn't actually see any property  
24 destruction that day.

25 Q And did you see anybody, any

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1     **protestors throwing any objects at police from**  
2     **police headquarters on Sunday?**

3             A       Not that I recall, no.

4             Q       **Then you said later that night after**  
5     **you had been initially released -- this is still**  
6     **Sunday the 17th -- you had been initially released**  
7     **and then told to come back?**

8             A       Correct.

9             Q       **Where did you report to?**

10            A       We went back to -- I went back to  
11    where we had originally been, which was by the  
12    library. And I don't even remember who directed us  
13    down Tucker from there but they said -- somebody  
14    said, hey, everybody's down at Washington and  
15    Tucker.

16                    So I kept driving past the -- the  
17    library and got down into the crowd of cars, all  
18    police vehicles at -- that were on Tucker and I  
19    parked right there at Olive and Tucker and walked  
20    down from there because there were so many cars,  
21    you couldn't drive down there.

22            Q       **And at the time, this encircling**  
23    **tactic we've been calling kettling, was it ongoing,**  
24    **were officers pushing into the crowd at this**  
25    **moment, or it was completed when you left?**

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1           A       I didn't see any officers pushing  
2     into the crowds. Like I said, there was -- like we  
3     could just walk up from the south; there wasn't  
4     like a line of people. The line of officers that  
5     were to the north, they were just watching that  
6     crowd that was up towards that gas station that's  
7     up there.

8                   Then there was the clump of people  
9     seated on the ground over towards -- I think that's  
10    -- there's a pizza place on that corner and then  
11    there was various other people that were just kind  
12    of walking around the middle of the intersection.  
13    And, you know, they were more or less just being,  
14    dude, just get out of here. Everybody was focusing  
15    on those people that were sitting down. There were  
16    a lot of people there that were just being told  
17    like a simple, dude, just get out of here. Just  
18    go.

19           Q       **So not police officers, just other**  
20    **people?**

21           A       Just other people in general, you  
22    know, because it -- when we got there, the focus  
23    was on -- it seemed like all the CDT officers,  
24    their focus was on the people that were sitting on  
25    the ground with their arms interlocked.



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1           **Q       With each other? Their arms, the**  
2   **people on the ground --**

3           A       Yeah, I mean, that was like -- they  
4   were, you know -- that's like the -- I guess that's  
5   one of their tactics, you know, they'll like sit  
6   down and just interlock their arms and it's not  
7   like a violent tactic by any means, but it just  
8   makes it more difficult for them to be separated  
9   and placed in flex cuffs and stuff like that.

10           **Q       Were they still issuing dispersal**  
11   **orders when you arrived?**

12           A       I mean, I thought so. I guess they  
13   could have stopped. I could be remembering it  
14   wrong but it seemed like -- like I said before, it  
15   seemed like the dispersal order is -- once they  
16   start giving it, it seems like they never stop; it  
17   just goes and goes and goes.

18           **Q       We talked about what it means to**  
19   **disperse a little bit. If you're in a -- if you're**  
20   **-- if you're giving a dispersal order to a group of**  
21   **protestors on the street and a couple of them move**  
22   **over to the sidewalk from the street, would you**  
23   **consider that having dispersed?**

24           A       If they're being told to disperse the  
25   area, which is what they're being told to do during

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1 the dispersal orders, no, I wouldn't consider that  
2 complying. Now, if they're being told they're  
3 impeding the flow of traffic and those things, then  
4 that would be complying with that, but not with the  
5 general dispersal order that's given, commonly.

6 Q Then just very briefly, we talked  
7 about the protests that were happening at Page and  
8 Walton prior to the Stockley protests?

9 A Yes.

10 Q You mentioned that things like bricks  
11 were being thrown at officers?

12 A Yes.

13 Q Was anything else being thrown that  
14 night?

15 A They were making Molotov cocktails.  
16 They didn't actually throw any of them but they  
17 were making them. They were -- one of the -- they  
18 were further back in the intersection and there was  
19 a crowd of people that were filling the bottles,  
20 and you could see them lighting them but none were  
21 actually thrown at officers. That was squashed  
22 before it escalated to that level. And they were  
23 throwing bottles and -- it was primarily rocks and  
24 bottles.

25 Q Okay. When you're up -- as an

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1     **example, when you're in City Hall and you're**  
2     **looking down on Friday the 15th, in your -- and**  
3     **you're giving your reports of what it is you're**  
4     **seeing, are you giving -- is it -- so for example,**  
5     **if you're seeing things being thrown at officers,**  
6     **you're reporting that?**

7             A       Correct. I'm reporting that and I'm  
8     saying -- giving a description of who did it.

9             Q       Okay. Was it happening at a clip  
10    **that you could describe each person who was**  
11    **throwing objects?**

12            A       I mean, for the most part, yes. And  
13    then you got to think there's multiple sniper OPs  
14    where -- there's other snipers giving descriptions  
15    too. So we would almost section off the crowds,  
16    you know, to where I was going to watch the western  
17    edge. Let's say, I was going to watch the western  
18    edge of the crowd, so I would just be reporting  
19    everything I saw on the western edge of the crowd;  
20    and another guy would be responsible for the center  
21    of the crowd; and another guy would have the  
22    eastern edge.

23                    But yeah, I tried to be as detailed  
24    as possible. That did little to stop it from  
25    happening again. If you didn't pass up a detailed

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1 description of who it was throwing it, then the  
2 information was kind of worthless. That doesn't  
3 mean they were able to apprehend all those people,  
4 because they certainly weren't, but they would make  
5 that effort to apprehend those people.

6 Q Okay.

7 MR. LAIRD: I don't have anything  
8 further.

9 MS. STEFFAN: I just have a couple  
10 follow-ups from the questions.

11 A Sure.

12 RE-EXAMINATION

13 QUESTIONS BY MS. STEFFAN:

14 Q You described seeing some people  
15 destroying a police car near Park and Tucker?

16 A Yes, ma'am.

17 Q That's when you were in your OP?

18 A Yes.

19 Q How many people were destroying the  
20 police car?

21 A I mean, I only remember one  
22 specifically. There was somebody standing on the  
23 hood, stomping out the windshield, and then there  
24 was a crowd around it, but it's -- I -- like we're  
25 looking into these crowds with all our observation

1 devices, but when they're mixed in with this huge  
2 crowd like this, it's hard to see what one  
3 individual person is doing. Now, like -- because  
4 there's tons of times stuff's thrown into a crowd  
5 and I can't determine who did it.

6 Now, some people will have themselves  
7 out from the crowd while they're throwing stuff, so  
8 they can get like a running throw. Those are  
9 people that are easy to -- so to answer your  
10 question, the only person I remember seeing  
11 actually destroy it was the person who was standing  
12 on the hood. I don't know if they apprehended that  
13 person or not. And I don't know if there was  
14 anyone else ground level around it destroying it  
15 because the crowd around the police car was just  
16 too heavy to be able to tell.

17 **Q Could you estimate the size of the**  
18 **crowd around the police car?**

19 A 30 to 50 people, probably. It was a  
20 good size crowd.

21 **Q Is that the kind of -- like, do you**  
22 **have training on estimating crowd sizes?**

23 A I mean, no, not specifically, no.

24 **Q When you are in an OP, are you**  
25 **recording video?**

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1 A No.

2 Q You have other observation equipment;  
3 right?

4 A Correct.

5 Q What do you have?

6 A So we have our primary -- our primary  
7 tool -- now, we're not actually allowed to be on  
8 it, but our sniper rifle with the sniper scope on  
9 it, that's our primary tool. That would be set up  
10 on a tripod and it's there to be used if we had to  
11 go to a lethal type situation.

12 Now, we're not actually allowed to  
13 observe the crowd through that because then you're  
14 actively pointing a weapon at a crowd that's not  
15 necessarily hostile yet. So we have to observe  
16 from our spotting scopes, which is another scope  
17 that is on a tripod and that's all it is is a site.  
18 And then there's also binoculars to be used by the  
19 -- like the guys that are not on the spotting  
20 scopes, they are using binoculars.

21 Q So your equipment is sort of  
22 magnifying equipment?

23 A Yes, ma'am. And the only thing that  
24 really limits that equipment is like the density of  
25 the crowd, if you will. That's why I say, there's

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1 parts where the crowd is so thick that you can see  
2 there's something going on, but it's -- even with  
3 that magnification power, it's hard to say what is  
4 actually happening just because the crowd is so  
5 dense.

6 Q Mm-hmm. I think you said that at the  
7 protest in 2015 at Walton and Page there were  
8 people making Molotov cocktails?

9 A Yes, there were.

10 Q Is that something you saw?

11 A Yes.

12 Q Was that on Page?

13 A They were at the intersection.

14 Q Like Page and Walton?

15 A Yeah. So they -- when that clash was  
16 going on, we were, at least when that incident  
17 happened, we were not actually in the intersection;  
18 we were a ways back, going eastbound down Page, and  
19 those guys -- so I don't know how familiar with  
20 that intersection you are, but there's like a  
21 vacant field right there at the -- that would be  
22 the southeast corner of the intersection -- and  
23 they were in that field next to like a large dead  
24 tree. And that's where they were.

25 Like they were all on their knees;

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1 you could see them, they were filling the bottles,  
2 they were trying to light the wicks, and they never  
3 actually got to the stage of throwing them because  
4 they were dispersed, but that's where they were at  
5 when they were doing that.

6 Q You said that on the 15th, so the day  
7 that the Stockley verdict was issued, you heard  
8 many dispersal orders to the point where it had  
9 gotten to be a repeating thing?

10 A Yeah, I mean, they're just -- they're  
11 continually -- once they start giving it, they are  
12 continually giving it.

13 Q And is that at -- was that when you  
14 were in your OP?

15 A That was both at the OP and then, you  
16 know, on the ground over -- when we were over on  
17 Euclid.

18 Q Okay.

19 A As well as, you know -- well, I guess  
20 -- yeah. So then that goes -- so -- yeah. So the  
21 15th, yes. So from the OP, you know, point in  
22 times I definitely remember hearing that was when  
23 they were like over here by police headquarters and  
24 then, again, like I said, on Euclid and in that  
25 cul-de-sac.



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1           **Q       When you heard those repeating**  
2   **dispersal orders from the OP, could you tell what**  
3   **the basis for the orders was?**

4           A       I mean -- I mean, really, by the  
5   time, at least in both of those encounters, like  
6   the crowd had become violent at both of those times  
7   because, you know -- obviously, I already talked  
8   about the stuff that was going on here in front of  
9   police headquarters and then -- so when they were  
10   in that cul-de-sac prior to us being told to push  
11   them down towards Euclid, they had thrown some  
12   stuff at the CDT officers.

13                   And I know one female got injured and  
14   some other guy got injured. And that was what  
15   basically started the whole, you need to disperse.  
16   So I would assume it was just because of those --  
17   because it had turned into a violent situation  
18   versus just the protesting.

19           **Q       Okay. At -- so concentrating on the**  
20   **conduct of the crowd that you could see from your**  
21   **OP, I think you just said that the crowd had turned**  
22   **violent; is that right?**

23           A       When they were over here?

24           **Q       Yes.**

25           A       Yes. When they were over here by old

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1 police headquarters, it had turned violent. They  
2 were not violent when they were in front of the  
3 courts building. The crowd that was over here  
4 destroying the police car and then CD -- so like we  
5 saw that and there was no CDT on the ground.

6 We reported that up and then CDT came  
7 to that location and was getting off the buses and  
8 that's when people started throwing stuff at them.  
9 And as they're forming a line, you know, and  
10 getting into their formations, they're having all  
11 this stuff thrown at them. So there was dispersal  
12 orders going on there and that was when I saw it  
13 getting violent down here.

14 Q I'm trying to understand, when you  
15 say the crowd is "getting violent," are you talking  
16 about throwing things?

17 A Yes, ma'am. That's what I consider  
18 getting violent.

19 Q And the person standing on the police  
20 car?

21 A Yes.

22 Q Did you see the BRT, the Bike  
23 Response Team, when you were at your OP?

24 A Yeah, they were here -- they were at  
25 the old police headquarters.

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1           **Q       What did you see them do?**

2           A       I don't really recall. I mean, I  
3       know they were there. Because they do all kinds of  
4       goofy things on their bikes that, you know -- and I  
5       remember seeing them like forming a line with their  
6       bikes and stuff, but that's about all I  
7       specifically remember seeing them do.

8                       Because the -- it seemed like the  
9       real clash between protestors was with the CDT  
10      team. There may have been some type of clash with  
11      the bikes, I just don't know about it.

12           **Q       I think you said -- so thinking back**  
13      **to the kettle or the encircling technique -- we all**  
14      **know what that means at this point -- earlier you**  
15      **had said that there were -- when you arrived at**  
16      **that scene, there were a group of civilians sitting**  
17      **on the ground, right, and then there were some**  
18      **civilians engaging with the north line?**

19           A       Yes.

20           **Q       And I think, now, you've said also**  
21      **there were some civilians walking about?**

22           A       Yeah, there were just -- there were  
23      just a handful of people that -- they weren't doing  
24      anything. They were just kind of there. And they  
25      were being told, like, just get out of here, you

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1 know. They weren't -- like they weren't aggressing  
2 anyone, they weren't standing, like -- like that --  
3 the people that were on the ground, like that's  
4 their passive/aggressive way of we're not going to  
5 leave. Like they sit down and interlock arms.  
6 Those people like -- they go into that, like  
7 prepared to go to jail. They know they're going to  
8 go to jail for that.

9           These other people walking around, it  
10 wasn't very many, just a handful. I can't speak  
11 for what they were doing, but, I mean, they could  
12 have just been onlookers or maybe they were  
13 protestors and didn't want to get in trouble. They  
14 weren't doing anything to anybody; they were just  
15 there, still in the intersection. They were told  
16 to just get out of there.

17           **Q       Had they come up from the south like**  
18 **you had?**

19           A       No, I doubt it. I didn't see them  
20 come up from the south. They were -- they were  
21 there when I got there.

22           **Q       Okay.**

23           A       It was all police to the south so I  
24 don't think anybody would have come up from there.

25           **Q       Okay. And were they arrested?**

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1 A No, not that I saw, no.

2 Q Did you see them leave?

3 A Yeah.

4 Q Where did they go?

5 A Just the people I remember seeing  
6 leave, they went eastbound down Washington. Like I  
7 said, it was just a small amount of people.

8 Q I think you said a handful. Do you  
9 mean like five or ten?

10 A Yeah. Yeah. The concentration --  
11 what it seemed to me like the police were focused  
12 on was that group of people sitting on the ground,  
13 and that was a large group and, you know, they --  
14 that was what they seemed to be dealing with.

15 Q I think you said that when you had  
16 gotten released and then told to come back to that  
17 intersection, you came with another officer?

18 A Yes.

19 Q Who was the other officer?

20 A Nick Manasco. He was who I was -- I  
21 was with him because I was giving him a -- once we  
22 got originally released, I was taking him back to  
23 his car. So we were just together when we came  
24 back because we ended up not getting his car  
25 because we got called back. So that was how we

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1 ended up walking up to the intersection together.

2 Q And did he essentially do what you  
3 did, sort of stand around and wait to be told what  
4 to do?

5 A We just stood there, yeah.

6 Q Did you or Officer Manasco tell those  
7 handful of civilians to get out of there?

8 A No, we didn't tell them anything.  
9 And I don't even know who it was. I just vaguely  
10 remember them being directed to just leave, like  
11 they weren't, you know -- they weren't -- nobody  
12 was trying to arrest them or anything like that.

13 Q You -- as part of your SWAT uniform,  
14 you're issued a helmet; is that right?

15 A Yes, ma'am.

16 Q Is that your personal helmet?

17 A Yes.

18 Q Does it have some kind of a  
19 identification number on it?

20 A On the helmet?

21 Q Yeah.

22 A No, on our helmets we just wear our  
23 blood type and then, like I had my name on it but I  
24 don't have -- it doesn't have any identification  
25 numbers or anything.

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1           Q       Is your name like printed on it?

2           A       It's on a nametag. It Velcros on  
3 there, like a fabric nametag.

4           Q       Are you familiar with the CDT  
5 equipment?

6           A       For the most part, yeah.

7           Q       And there are CDT helmets as well?

8           A       Yes, they have a different type of  
9 helmet, but yes.

10          Q       Did their helmets have identification  
11 numbers?

12          A       I don't think so. I think they just  
13 wore their identification on their vest. I could  
14 be wrong about that, but I don't recall ever seeing  
15 anybody's name on their helmets. That was just the  
16 SWAT -- the unit's rule; you had to have your name  
17 on your helmet, so that was why we did that.

18          Q       Do you know whether CDT officers have  
19 their own personal helmets or whether the equipment  
20 is shared?

21          A       I mean, it's -- well, each officer  
22 should be issued a set of CDT equipment for them.  
23 Like they wouldn't share it with another officer;  
24 that would just be theirs for the time they're on  
25 the CDT team, to my understanding, anyway.

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1 MS. STEFFAN: I think that's all I  
2 have.

3 MR. LAIRD: Nothing further.

4 THE REPORTER: Signature?

5 MR. LAIRD: So you have the right to  
6 review the transcript, look it over, and if you  
7 think that there's anything that's been transcribed  
8 improperly or anything like that, you can have that  
9 corrected.

10 THE WITNESS: I'll waive it.

11 THE REPORTER: What format do you  
12 like your transcripts in?

13 MR. LAIRD: E-tran.

14 MS. STEFFAN: E-tran.

15 (Wherein, the taking of the instant  
16 deposition ceased at 12:03 p.m.)

17 (By agreement between Counsel and  
18 with the consent of the witness, the signature is  
19 expressly waived.)  
20  
21  
22  
23  
24  
25



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1

2

CERTIFICATE OF REPORTER

3

4

I, TARA SCHWAKE, a Registered

5

Professional Reporter and Notary Public within and

6

for the State of Missouri, do hereby certify that

7

the witness whose testimony appears in the

8

foregoing deposition was duly sworn by me; that the

9

testimony of said witness was taken by me to the

10

best of my ability and thereafter reduced to

11

typewriting under my direction; that I am neither

12

counsel for, related to, nor employed by any of the

13

parties to the action in which this deposition was

14

taken, and further that I am not a relative or

15

employee of any attorney or counsel employed by the

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parties thereto, nor financially or otherwise


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interested in the outcome of the action.

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20





21

Notary Public in and for

22

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